

18 DECEMBER 1947

I N D E X  
of  
WITNESSES

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18 DECEMBER 1947

I N D E X  
of  
EXHIBITS  
(none)

1              Thursday, 18 December 1947  
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3  
4              INTERNATIONAL MILITARY TRIBUNAL  
5              FOR THE FAR EAST  
6              Court House of the Tribunal  
7              War Ministry Building  
8              Tokyo, Japan  
9  
10

11              The Tribunal met, pursuant to adjournment,  
12              at 0930.  
13

14              Appearances:

15              For the Tribunal, all Members sitting.  
16              For the Prosecution Section, same as before.  
17              For the Defense Section, same as before.  
18              - - -  
19

20              (English to Japanese and Japanese  
21              to English interpretation was made by the  
22              Language Section, IMTFE.)  
23  
24  
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K 1                    MARSHAL OF THE COURT: The International  
n 2                    Military Tribunal for the Far East is now in session.  
p 3  
p 4                    THE PRESIDENT: All the accused are present  
& 4                    except MATSUI, who is represented by counsel. We  
K 5                    have a certificate from the prison surgeon at Sugamo  
a 6                    certifying he is ill and unable to attend the trial  
p 7                    today. The certificate will be recorded and filed.  
l 8  
e 9                    S H I G E N O R I   T O G O, an accused, resumed  
a 10                  the stand and testified through Japanese inter-  
p 11                  preters as follows:  
l 12                  THE PRESIDENT: Major Blakeney.

13                  MR. BLAKENEY: Before resuming the reading  
14                  of exhibit No. 3646 I should like to point out what  
15                  I should have mentioned yesterday, that there is an  
16                  errata sheet circulated in connection with this docu-  
17                  ment, and I am reading it as corrected in accordance  
18                  with that errata sheet.

19                  THE PRESIDENT: You haven't yet reached the  
20                  first correction?

21                  MR. BLAKENEY: That is right.

22                  I resume reading, then, on page 13 with  
23                  Section 29:

24                  "The problem of German-Japanese economic  
25                  cooperation in Germany was the chief matter which

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1 occupied me during my brief service in Germany. I  
2 do not know whether it is necessary for me to say much  
3 concerning my part in these negotiations, for the evi-  
4 dence which has been produced to the Tribunal seems  
5 to tell about as well as it can be told the story of  
6 the absence of cooperation not only between the Ger-  
7 man officials and me, but between the two governments  
8 as well. In early 1938 I was instructed by the Foreign  
9 Ministry to commence negotiations with the German  
10 Government for conclusion of a trade agreement to try  
11 to rectify the unfavorable balance which Japan's trade  
12 with Germany showed under the arrangements then in  
13 effect. Negotiations started between Commercial  
14 Attaché SHUDO and the "Wilhelmstrasse. Then in May  
15 1938 Foreign Minister Ribbentrop communicated to me  
16 his desire to make an agreement to the effect that  
17 Germans engaged in trade in North China should be  
18 given substantially equal treatment in conditions of  
19 trade with Japanese traders. On receipt of this pro-  
20 posal I flatly declined to enter into any negotiations  
21 for the reason that I was not authorized to do so.  
22 Long before -- immediately upon Ribbentrop's appoint-  
23 ment as Foreign Minister, in February -- I had had  
24 occasion to tell him that all important political and  
25 economic matters involving the governments of Germany

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1 and Japan should be transacted exclusively by nego-  
2 tiations between the Foreign Minister and the Japanese  
3 Ambassador or with their approval. Ribbentrop had  
4 definitely replied that he willingly agreed to this.  
5 As I found at this May meeting that Foreign Minister  
6 Ribbentrop was still, despite his promise to me,  
7 discussing economic problems of China with others than  
8 the Embassy personnel directly concerned, I made little  
9 effort to conceal my dissatisfaction with his attitude.  
10 From about this time the discord between Ribbentrop  
11 and me became impossible to conceal.

12 "30. Ribbentrop tried again, after some  
13 delay, to open negotiations on the trade-in-China  
14 question. This time he handed me a memorandum similar  
15 to the earlier one but with the substitution of 'prefer-  
16 ential' for 'equal' treatment to be accorded to German  
17 nationals. This being the second time that the Ger-  
18 man Foreign Minister had proposed it, I transmitted  
19 this one to the Foreign Minister. With it, however,  
20 I sent my opinion that it would naturally result in  
21 violation of existing treaty obligations (I had in  
22 mind the Nine-Power Treaty) to grant to Germany any-  
23 thing other than most-favored-nation treatment in  
24 China, and that I therefore opposed it.

25 "31. I received from Tokyo in response to my

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1 report of Ribbentrop's proposal instructions (Exhibit  
2 No. 2228-A) directing me to offer to Germany 'The  
3 best possible preference' in economic matters in  
4 North China, and to promise that Germany's interests  
5 would be given preference over those of any third  
6 country. Nevertheless, being doubtful of the appro-  
7 priateness of such measures, I tentatively narrowed  
8 down the proposal still further before presenting it,  
9 in the form of the Pro Memoria, Exhibit No. 591. I  
10 limited its terms to German 'foreign trade', and  
11 offered instead of 'preferential' treatment 'benevolent'  
12 treatment, an altogether different thing from the  
13 preference which Ribbentrop had in mind, and sub-  
14 stantially equivalent to the most-favored-nation treat-  
15 ment embodied in numerous existing international  
16 commercial agreements. As Ribbentrop himself states  
17 in his memorandum of our conversation (Exhibit No.  
18 592), he considered my formula unsatisfactory. Ne-  
19 gotiations continued without showing any progress, but  
20 my connection with them was cut short by my being  
21 ordered, on 15 October, to leave Berlin for Moscow  
22 as Ambassador to the USSR. This story I shall now  
23 tell.

24 "32. I had gradually become unpopular with  
25 Ribbentrop and the other German Nazi leaders, the

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1 reasons being my dislike of Nazism and its creed,  
2 which came to their knowledge soon enough; and doubt-  
3 less my lack of sympathy for the Anti-Comintern Pact  
4 likewise had become known. I was of course always  
5 solicitous for the betterment of Japan's relations  
6 with all powers, not excluding Germany; but my great-  
7 est efforts had always been directed toward improve-  
8 ment of relations with the United States, Britain and  
9 the Soviet Union, and I always objected to any rapproche-  
10 ment with Germany at the expense of those paramount  
11 interests. From my knowledge of the strength of Ger-  
12 many gained during long residence there, I did not  
13 believe that Japan's future lay in alliance with  
14 Nazism and Fascism.

15 "33. Beginning early in my tenure in Berlin,  
16 Military Attaché OSHIMA was negotiating with Foreign  
17 Minister Ribbentrop for the 'strengthening of the  
18 Anti-Comintern Pact.' These negotiations, as General  
19 OSHIMA has himself testified (Exhibit No. 497), were  
20 without my approval or participation -- which is made  
21 clear also by the KIDO Diary (Exhibit No. 2262). The  
22 negotiations were again in violation of Ribbentrop's  
23 assurance to me that he would deal only with the Am-  
24 bassador in connection with important political and  
25 economic matters. The very good reason for my being

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1 ignored in this matter was my known strong opposition  
2 to any project of the sort. Europe was now in a state  
3 of increasing tension, and the danger was clearly  
4 apparent that Japan would, if tied by alliance to  
5 Germany, be involved in an imminent war. I emphasized  
6 to the Foreign Minister the danger to which a Japanese-  
7 German-Italian alliance would expose Japan. The reinforce-  
8 ment of the Anti-Comintern Pact meant a three-power  
9 alliance. At last Ribbentrop presented to General  
10 OSHIMA a draft of an agreement, which was sent on to  
11 Tokyo by Major-General KASAHARA as a courier, and only  
12 thus became known to the Foreign Minister (Exhibit No.  
13 497). Having been informed of this fact, I cabled to  
14 the Foreign Minister, registering my opposition to the  
15 project as one which was most undesirable and should  
16 be forestalled promptly for the reason that a tripartite  
17 alliance would not, as its supporters argued, con-  
18 tribute to the solution of the China Affair, but  
19 rather would involve Japan in an imminent war in  
20 Europe; but the Foreign Minister notified me that the  
21 decision had been made by a conference of five minis-  
22 ters to have the Military Attaché ask that the German  
23 authorities formally make a proposal with a view to  
24 proceeding with negotiations on the German proposal.  
25 I answered with my objections to a tripartite pact,

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1 pointing out the difficulties in and disadvantages of  
2 cooperation with such a dictator as Hitler. The result  
3 of my sending this cablegram was that I received short-  
4 ly afterward a request from the Foreign Minister to  
5 assent to my transfer to the post of Ambassador to the  
6 USSR.

7 "34. My position was then somewhat peculiar.  
8 The Moscow post had long been my ambition; and I was  
9 certainly not, in the usual sense, a success in Ber-  
10 lin. It was, however, obvious that my removal from  
11 Berlin would facilitate the realization of the course  
12 of action which I had feared and fought and I felt  
13 that by remaining there I might be able to exert some  
14 restraint upon the militarists, and might even be able  
15 to sabotage the military-alliance scheme. I there-  
16 fore requested the Foreign Minister to leave me in  
17 Berlin for the time being. A second and more perempt-  
18 ory request for my assent came the following day, to  
19 which I could only submit. I was appointed Ambassador  
20 to the Soviet Union on 15 October, and left Berlin  
21 for Moscow on the 27th.

22 "35. My transfer to Moscow naturally ended  
23 my connection with Japanese-German affairs. The  
24 further negotiations and the conclusion of the Tri-  
25 partite Alliance itself were entirely outside my sphere.

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I had occasion only once to have even semi-official  
1 connection with these questions. This was when in  
2 February 1939, sometime after my transfer to Moscow,  
3 I met in Berlin with Ambassadors OSHIMA and SHIRATORI  
4 and with Minister ITO, who had been sent to Berlin to  
5 convey the opinion of Tokyo concerning the question.  
6 I had received a telegram from Ambassador OSHIMA  
7 saying that he was requesting Foreign Ministry per-  
8 mission to call a meeting in Berlin, on the occasion  
9 of the arrival of the ITO mission, of all Ambassadors  
10 stationed in Europe; but as transportation to Berlin  
11 was slow, I could not wait for advice from Tokyo, and  
12 left for Berlin to attend the meeting after advising  
13 the Foreign Ministry. Upon my arrival there I found  
14 that the Ministry had disapproved the conference, and  
15 I therefore merely had dinner with Ambassadors OSHIMA  
16 and SHIRATORI who were there, and later called on  
17 Minister ITO, who was sick in his hotel-room. In  
18 conversation with the two Ambassadors I repeated my  
19 fixed views in opposition to this alliance, and I  
20 urged Mr. ITO to go home promptly to prevent the con-  
21 clusion of such a pact, as it would bring disaster to  
22 Japan.

"36. The prosecution have attempted to prove,  
25 by presentation of a memorandum of Knoll of the German

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1 Foreign Office of a conversation in June 1940 with  
2 Ambassador KURUSU, that my opinion in the matter of  
3 German-Japanese alliance had undergone a change, and  
4 that Ambassador KURUSU knew of my opinions. It is true  
5 that I did once, in May 1940, see him while I was  
6 Ambassador in Moscow and he in Berlin, but we did not  
7 discuss this matter, and I could never have expressed  
8 to him such an opinion as Knoll records, for I did not  
9 hold it. A perusal of the original record of Knoll  
10 shows, beyond any question, that Mr. KURUSU did not  
11 state to him as his opinion or mine the conclusion  
12 which the prosecution have drawn.

13 "37. The Tripartite Alliance (Exhibit No.  
14 43), was signed while I was still in Moscow as Am-  
15 bassador (Defense Document No. 1280), and I had noth-  
16 ing to do with it. As the Tribunal has already heard,  
17 it was signed in such secrecy that a very few even in  
18 the Government knew of it beforehand (Exhibit No.  
19 2744-A). For convenience, I may mention here my later  
20 connection with Japanese-German matters. The Anti-  
21 Comintern Pact was renewed and extended for a further  
22 term of five years on 25 November 1941, when I was  
23 Foreign Minister (Exhibit No. 495). This was nothing  
24 more than the continuance of the policy which had been  
25 in effect since 1936, the date of the original pact,

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1 and the Government had already been committed to it  
2 by Foreign Minister MATSUOKA, when he visited Berlin  
3 in the spring of 1941 (Exhibit No. 2694). Moreover,  
4 I was successful at that time in obtaining the abroga-  
5 tion of the secret protocol, the part of the Pact most  
6 likely to exacerbate the sensibilities of the USSR.  
7 Further, in 1945, during my second terms as Foreign  
8 Minister, at the time of the formation of the Doenitz  
9 regime in Germany there was opinion in some quarters  
10 that the Anti-Comintern Pact, having other signatories,  
11 should not be terminated. At that time I urged -- and  
12 again my view prevailed -- that all political agree-  
13 ments with Germany be abrogated, the Anti-Comintern  
14 Pact included, particularly in view of the necessity  
15 of not giving offence to the Soviet Union, as well as  
16 the desirability, which I had always insisted on, of  
17 disassociating our foreign policy from that of Nazi  
18 ideology. This was done on 15 May 1945.

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1                 "38. The no-separate-peace treaty among Japan,  
2 Germany and Italy was concluded in 1941, when I was  
3 Foreign Minister (Exhibit No. 51). The treaty was con-  
4 cluded on 11 December, but of course the negotiations  
5 for it had begun before the outbreak of war with America  
6 and Britain (exhibits Nos. 604-607). It will be seen,  
7 however, that these negotiations were undertaken only  
8 when the consummation of the Japanese-American negotia-  
9 tions had come to appear all but hopeless, and that they  
10 were undertaken only as a precautionary measure in case  
11 worse came to worst -- all of which will be treated of  
12 more fully later. As to the Japanese-German-Italian  
13 military operational agreement signed on 18 January 1942  
14 (exhibit No. 491), it was planned and concluded ex-  
15clusively among the military authorities of the three  
16 powers. I had no knowledge of its conclusion or contents  
17 beforehand, but was simply notified of it later by the  
18 High Command, and then only of the fact that operational  
19 zones had been established; the Tribunal doubtless  
20 understands that military operations plans, such as  
21 this, were not confided to civilians, no matter what  
22 their rank or position. Lastly, I am charged with  
23 German-Japanese collaboration as a member of the three-  
24 power committee established under the provisions of the  
25 Tripartite Pact (exhibit No. 127). The Pact itself

1 provides that the Foreign Ministers of the contracting  
2 powers shall be ex officio members of such committees in  
3 the respective countries, and it was as Foreign Minister  
4 of Japan, not as an individual of any particular ideology  
5 or views, that I became a member. The committee had,  
6 in Japan at all events, only a nominal existence, and  
7 never met while I was in office.

8                 "IV. British and American Relations and the  
9 Pacific War.

10                 "39. Up to the time of becoming Foreign Minister  
11 in the TOJO Cabinet I had had little direct contact  
12 with American and British affairs. It is true that  
13 the European-Asiatic Bureau, of which I had once been  
14 director, had to do with British affairs (and the pre-  
15 decessor, European-American Bureau, with American af-  
16 fairs); the Japanese-American and Japanese-English rela-  
17 tions of those days, however, mostly related to problems  
18 of China and Manchuria, and in consequence were almost  
19 entirely the concern of the East Asiatic Bureau, which  
20 had to do with those affairs. But of course a Japanese  
21 foreign policy could never be conceived to ignore rela-  
22 tions with the two dominant powers, and having served  
23 and traveled in those countries and acquired considerable  
24 knowledge of their conditions and the characteristics of  
25 their people, I had long-considered ideas concerning

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1 Japanese relations with Britain and the United States.  
2 The specific American and British policy which I had  
3 set forth in my 1933 document (defense document No. 146)  
4 was, owing to the greatly changed situation, obsolete;  
5 but I still had confidence in the principles which had  
6 inspired that policy. I did not enter the TOJO Cabinet  
7 to strive for domination of the world, which I had never  
8 dreamed of, nor for the annihilation of America and  
9 Britain nor their expulsion from East Asia. My inten-  
10 tion in accepting the Foreign portfolio was to work for  
11 improved relations which would lead to an enduring peace  
12 with those countries, and to settle somehow the inter-  
13 minable China Affair; but in October 1941, at all events,  
14 the obvious immediate policy could only be to avert war.

15 "40. Before accepting the post of Foreign  
16 Minister in the TOJO Cabinet, I had in effect no correct  
17 knowledge of the progress of the Japanese-American  
18 negotiations -- for although still nominally an ambassa-  
19 dor in active service, in fact I had had no post since  
20 my return from the USSR in November 1940, and was in all  
21 but name living in retirement. I knew that negotiations  
22 designed to effect an improvement in relations with the  
23 United States and Great Britain had been in progress  
24 since Ambassador NOMURA's arrival in America, and from  
25 Foreign Ministry friends I occasionally heard the out-

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1 lines of the subject matter; but the whole subject was  
2 highly secret (it was 'State Secret,' and heavy penalties  
3 were imposed by law for revealing such information to  
4 any but the small circle of high officials entitled to  
5 access to it), and I knew and could know nothing con-  
6 crete concerning it, except that evidently relations  
7 were gradually deteriorating, a process which if un-  
8 checked might lead Japan into a disastrous war.

9 "41. However, I did know at the time of assum-  
10 ing the post of Foreign Minister enough of Japanese  
11 diplomatic and internal political history to be fully  
12 aware of the impotence of the Foreign Minister of Japan  
13 even within the field of foreign relations which was out-  
14 wardly his charge. The position of the Foreign Minister  
15 in the Japanese system differed so radically, in both  
16 theory and practice, from that of the equivalent official  
17 in most other modern nations that I should like to em-  
18 phasize certain facts in connection with the matter,  
19 for without full comprehension of this question my  
20 position cannot be understood.

21 "42. On the one hand, the Foreign Minister is  
22 not solely charged, even within the cabinet or the govern-  
23 ment itself, with responsibility for the conduct of  
24 foreign affairs. This is apparent from the Constitution  
25 itself, according to which the ministers are collectively

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responsible to the Throne (full explanation of this point  
1 has also been made to the Tribunal by former Minister of  
2 Welfare OKADA, Tadahiko, record page 17,752, and former  
3 Director of the Legislative Bureau MORIYAMA, defense  
4 document No. 2930.) With the collective responsibility  
5 has come its corollary, collective management of affairs;  
6 but subject to still another growing tendency of recent  
7 years, in every country, that of the Premier to assume  
8 more and more power over all affairs of state, includ-  
9 ing foreign affairs. On the other hand, it has to be  
10 noted that in Japan the government itself has undergone  
11 within the past, say, fifteen years, a progressive weaken-  
12 ing of its power vis-a-vis the High Command of the army  
13 and the navy. The Tribunal is well aware of the inde-  
14 pendence which by virtue of long custom and the Consti-  
15 tutional provisions was enjoyed by the High Command; but  
16 what I wish to emphasize especially is the gradual,  
17 sometimes imperceptible, but unceasing encroachment by  
18 the High Command upon the sphere of action of the govern-  
19 ment. By virtue of the assertion that such matters  
20 bore directly upon their special concern of national de-  
21 fense, the High Command had come to have the power even  
22 in time of peace to force acceptance of its proposals in  
23 matters of budgets, national finance, industry, education  
24 and other fields, as well as foreign affairs. The For-

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1 eign Minister, on the other hand, had no means of know-  
2 ing the military strength of the country, and even in  
3 the field of foreign affairs was quite powerless to  
4 block any measures insisted upon by the military.

5 "43. In the atmosphere of war of the ten years  
6 since the Manchuria Incident the military had wielded  
7 increasingly strong influence over foreign affairs, and  
8 the area within which a foreign minister could influence  
9 the national policy had become very much circumscribed  
10 indeed. As examples of this process, most of which are  
11 already familiar to the Tribunal, I might mention the  
12 following. The testimony of Baron SHIDEHARA, Foreign  
13 Minister at the time of the Manchuria Incident, has  
14 shown how powerless he was to influence the decision of  
15 the high national policy where war questions were in-  
16 volved. After the commencement of the China Incident  
17 there was an increasingly strong opinion in military  
18 circles that the Foreign Ministry should be restricted  
19 as far as possible; at that time occurred the establish-  
20 ment of the Koain (China Affairs Board), one of the  
21 manifestations of the design to deprive the Foreign  
22 Ministry of more and more of its responsibility, protest  
23 against the creation of which was a main reason leading  
24 Foreign Minister UGAKI (himself a retired full general  
25 of the army) to resign his office. Examples of the

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1 Foreign Minister's being ignored in the taking of the  
2 most serious decisions affecting the national policy were  
3 numerous in the period leading up to the Pacific War.  
4 Thus (as I learned for the first time in this Tribunal)  
5 in the spring of 1941 military currency was already be-  
6 ing printed for use in a possible war, without consulta-  
7 tion with the Foreign Ministry, notwithstanding this  
8 currency was to be used in foreign countries, and accord-  
9 ingly might be expected to call for consultation with  
10 the Foreign Ministry. Again, on 17 October, upon the  
11 occasion of the resignation of the third KONOYE Cabinet,  
12 the Lord Keeper of the Privy Seal called in the outgoing  
13 War and Navy Ministers -- but not the Foreign Minister  
14 -- urging them to a review of the Imperial Conference  
15 decision of 6 September and to come to agreement between  
16 army and navy on a basic national policy for the most  
17 serious question which can face a nation -- war or peace  
18 (exhibit No. 1154).

19 "44. It was in these conditions that I was  
20 asked by Premier-Designate TOJO on 17 October 1941 to  
21 assume the post of Foreign Minister. Knowing these  
22 things very well, and knowing that it was the strong  
23 stand of the army, as expressed through Minister of War  
24 TOJO, which had directly brought about the downfall of  
25 Prince KONOYE's last cabinet, I was at some pains to

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assure that as Foreign Minister I would have scope for  
1 action. Therefore I told General TOJO, when I called  
2 upon him at his request at about 11:30 on the night of  
3 17 October, that before coming to any decision whether  
4 to accept the portfolio I must first be informed of the  
5 situation which had brought about the fall of the pre-  
6 ceding cabinet. After hearing his explanation I said  
7 that in the event that the army's stand was to be un-  
8 compromising, if even only on the question of the sta-  
9 tioning of troops in China, the negotiations would to a  
10 certainty end in a breakdown. Since in that case the  
11 continuance of negotiations would be meaningless, I said  
12 that if the new cabinet was to be formed on the basis of  
13 such a prospect I should have to reject the proffered  
14 portfolio of Foreign Affairs. I made it quite plain that  
15 I would agree to enter the cabinet only if the army con-  
16 ceded to make considerable allowances in reviewing the  
17 question of troop stationing, and as well to reexamine  
18 the other questions in the Japanese-American negotiations.  
19 -- in short, only if the army genuinely intended to  
20 facilitate the consummation of these negotiations on a  
21 rational basis. In response to my statement of my posi-  
22 tion, General TOJO assured me that reconsideration of  
23 the various questions involved in the negotiations, in-  
24 cluding that of the stationing of troops in China, might

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1 be undertaken. On this assurance, I agreed to accept  
2 the Foreign Ministership, and on the following day, 18  
3 October 1941, the investiture ceremony was held and the  
4 TOJO Cabinet was organized. There has been some mention  
5 during this trial of a 'clique' centering around General  
6 TOJO. I did not and do not know whether such a clique  
7 existed; but in this connection it may be worthwhile  
8 for me to state the extent of my acquaintance with General  
9 TOJO and some of the other defendants. So far as my  
10 memory serves, I had met General TOJO prior to 17 October  
11 1941 when he called me in and requested me to accept the  
12 portfolio of foreign affairs, twice; the first time  
13 (though he does not remember this and I am vague concerning  
14 the details of time and place) in 1935, when he was  
15 chief of the Temporary Investigation Section of the  
16 War Ministry; and again in Hsingking, in 1937, during  
17 my visit of inspection to Manchukuo. In Hsingking we  
18 met only with a group of people, never tete-a-tete. We  
19 never had more than this bowing acquaintance; I knew  
20 nothing, before entering his cabinet, of his personality  
21 or outlook and he, I suppose, nothing of mine. I was  
22 not selected as Foreign Minister by reason of any per-  
23 sonal relations with the Premier, for none existed, but  
24 (I assume -- I never knew the facts) as a senior of the  
25 Foreign Ministry eligible in the normal course for the

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place. Three of the other defendants (DOHIHARA, HASHIMOTO and HATA) I met for the first time when we were confined in Sugamo Prison; three others (Generals KIMURA, MUTO and SATO) after I became Foreign Minister. The rest I had known for varying periods; but the only ones who could be said to be more than official acquaintances were the defendants HIROTA and SHIGEMITSU of the Foreign Ministry. With some of the others I had had occasion to come into more or less frequent official contact. General OSHIMA I first met in Berlin, when I was appointed Ambassador and found him there as Military Attaché.

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"45. Concurrently with the Foreign Affairs portfolio, I took over that of Overseas Affairs, concerned with Japan's overseas possessions and colonies, and emigration. In my brief connection with that office -- I was Minister only to 2 December 1941 -- I conducted no business whatever of the ministry. So far as I remember, I was on the premises of the ministry three times -- once to be welcomed after investiture as Minister; once when I dropped in passing to look about; and finally to say goodbye to the officials upon quitting the ministership. The Ministry was capably operated by the Vice-Minister, who had been with it since it was a mere bureau, and I was entirely too busy with the Japanese-American negotiations during October and November 1941 to devote any attention to its affairs -- aside from the fact that I knew nothing about them. With this, I shall say no more concerning the Ministry of Overseas Affairs.

"46. As I have mentioned above, I had not been informed prior to becoming Foreign Minister of the details of the course of the Japanese-American negotiations, which were high state secrets. I had, for example, absolutely no knowledge of the Imperial Conference decision of 2 July, which effected a

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1 decisive change in the course of Japan's policy;  
2 while regarding the decision of 6 September, which  
3 had driven diplomacy into a corner, I had only vague  
4 knowledge, nor was I familiar with the proceedings of  
5 the 14 October cabinet meeting, which had made the  
6 fall of the KONOYE Government inescapable. I felt the  
7 need at the very outset to acquaint myself in detail  
8 with the negotiations which had gone before, by  
9 reference to the documents and papers relating to  
10 them, and this I did immediately upon my assumption  
11 of office. My chief reference data for this purpose  
12 were the cables from Washington reporting Ambassador  
13 NOMURA's negotiations, the copies of cables from  
14 the Foreign Ministry to the Embassy and the 'Opinion'  
15 of Foreign Minister TOYODA, exhibit No. 2916.  
16

"47. My first impressions upon examining  
17 the proposals which had been advanced by the two  
18 parties to the negotiations, and the correspondence  
19 between the Foreign Ministry and the Embassy in  
20 Washington, were about these: First, that while  
21 basically Japan's position had been one of endeavoring  
22 to secure the stability of the Far East taking into  
23 consideration the actual conditions resulting from  
24 the events which had occurred since the Manchuria  
25 Incident, that of the United States had been one of

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1 not paying due regard to these conditions, which  
2 fundamental and almost unabridgeable difference in  
3 the viewpoints of the two countries had brought the  
4 negotiations virtually to a stalemate. Second,  
5 there was an extraordinary situation in that although  
6 Japan had in the course of the negotiations made  
7 considerable concessions from the desire to settle  
8 the China Incident which had so long been an embar-  
9 rassment to her, nevertheless the positions of the  
10 two nations could be truly said to be farther apart  
11 by October than in April. This was owing to the  
12 United States' having taken a progressively stronger  
13 stand -- gradually from about June, then after the  
14 Japanese advance into southern French Indo-China  
15 in July more rapidly cooling toward the negotiations.  
16 Thirdly, it was generally understood in Tokyo at  
17 that time that an agreement in principle had been  
18 reached with the United States on two of the three  
19 basic questions in the negotiations -- the Tripartite  
20 Pact question and that of the non-discriminatory treat-  
21 ment in trade in China. Premier TOJO himself told  
22 me that, based on the reports from Ambassador NOMURA,  
23 such was the situation; it therefore appeared that  
24 there remained only one large point of contention --  
25 the stationing of troops in China -- between the

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1 United States and Japan.

2 "48. Since the days of the second KONOYE  
3 Cabinet, the Japanese- American negotiations had been  
4 managed in the Liaison Conference between the Govern-  
5 ment and the Imperial General Headquarters. The  
6 Liaison Conference has been much discussed in the  
7 evidence here, but I do not believe that its nature  
8 and power have been made sufficiently clear. I wish  
9 therefore to give the following explanation. The  
10 Liaison Conference, which has no standing as a  
11 constitutional organ of government, dated from the  
12 time of the first KONOYE Cabinet, when it became  
13 necessary to establish some liaison between the mili-  
14 tary High Command and the Cabinet, each of which was  
15 responsible directly to the Emperor. I repeat, the  
16 Conference as such has no constitutional existence,  
17 and its decisions had in a formal sense no weight.  
18 But since the decisions were treated at that time as  
19 being binding so far as concerned those present  
20 (Premier, Chiefs of Army and Navy General Staffs,  
21 Army and Navy Ministers, Foreign and Finance Minis-  
22 ters and President of the Planning Board normally;  
23 occasionally other ministers as required), in prac-  
24 tice they had great weight. Since the Army and Navy  
25 Vice- Chiefs of Staff were almost always in attend-

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1 ance before the war, and since of the three secre-  
2 taries of the Conference (Chief Secretary of the  
3 Cabinet, Directors of military and Naval Affairs  
4 Bureaus) two were military men, it can be seen  
5 how strong the military influence in the Conference  
6 was. Indeed, the fact of the establishment of such  
7 a conference is proof of the fact that the military  
8 authorities were not only interfering in politics  
9 but were exercising such influence as to control  
10 and direct the national policy, and that some  
11 coordination was needed; but while the military  
12 members of the Liaison Conference exercised great  
13 influence on affairs of state, the civilian members  
14 exercised very little or none on military affairs, and  
15 were not allowed even knowledge of military opera-  
16 tions. Decisions of the Liaison Conference involv-  
17 ing affairs of state had of course to be presented  
18 to the Cabinet -- and, in proper case, to an Imperial  
19 Conference -- but in almost no instance did such a  
20 decision fail to pass through the Cabinet in the form  
21 in which the Conference had adopted it. Of course  
22 drafts of the decisions of the Liaison Conference  
23 were always prepared beforehand -- the matters  
24 examined by the staffs of the ministries concerned  
25 and coordinated by the three secretaries before they

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were submitted to the Conference; hence the matters  
1 to be passed upon were known in advance to the  
2 ministers and high officials of the ministries con-  
3 cerned, which facilitated their approval by the  
4 Cabinet. In accordance with the well-established  
5 custom which had prevailed since the days of the  
6 second KONOYE Cabinet, at that time all explanations  
7 to the Throne of deliberations and decisions of the  
8 Liaison Conference on questions involving peace or  
9 war were made by the Premier, the Foreign Minister  
10 reporting only on the diplomatic negotiations them-  
11 selves.

"49. Thus immediately after the formation  
14 of the new cabinet, meetings of the Liaison Confer-  
15 ence again began to be held almost continuously,  
16 undertaking the most thorough reconsideration from  
17 every point of view of Japanese policy and its ad-  
18 justment to the Japanese-American negotiations. To  
19 understand the situation of those days, it is neces-  
20 sary to bear in mind the state of opinion in Japan.  
21 The United States, Britain and the Netherlands had  
22 ruptured economic relations with Japan in July, and  
23 were known to be strengthening their measures of  
24 cooperation directed against Japan, thus making it  
25 appear, rightly or wrongly, that those Governments

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1 regarded a war as highly probable and were antici-  
2 pating its outbreak. Japan was then engaged in a  
3 war with China which had been in progress for over  
4 four years (or, in another way of looking at it,  
5 since 1931). With all public opinion which mani-  
6 fested itself approving of and supporting Japan's  
7 course during and since the Manchurian Incident, it  
8 was unthinkable for any cabinet even to consider  
9 ignoring all of the changed conditions which had  
10 resulted from those years of warfare, as the United  
11 States was demanding of us -- in fact, no Japanese,  
12 even those of us who had most strongly opposed  
13 aggressive courses, felt that we should do so. In-  
14 deed, the strong-policy advocates were already before  
15 the inauguration of the TOJO Cabinet declaring with  
16 finality that there was no prospect of a settlement  
17 with the United States, and insisting that measures  
18 of self-defense be taken without further loss of time.  
19

20 "50. My position at that time will be  
21 apparent from the conversation which I had with  
22 Premier TOJO at the time of his offering me the  
23 Foreign portfolio; it was my desire to bring the  
24 negotiations to successful consummation without fail,  
25 for the sake not only of Japan but of the world. It  
was, of course, clear from the outset that the mili-

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1       tary authorities held strong views concerning the  
2       Japanese-American negotiations but I believed that  
3       there was still some prospect of saving the situa-  
4       tion and ensuring the continuance of peace and a  
5       settlement which would be to the benefit of both  
6       countries. Since, however, from the time of the  
7       previous KONOYE Cabinet all basic matters concerning  
8       the Japanese-American negotiations were discussed  
9       and decided upon by the Liaison Conference, so in  
10      fact the Foreign Ministry was restricted in its con-  
11      duct of foreign affairs to what was discussed with  
12      and gained the approval of the High Command in the  
13      Liaison Conference. One of the first steps that I  
14      took to further the Japanese-American negotiations  
15      was a removal from the Foreign Ministry of a number  
16      of officials who were urging the adoption of a strong  
17      policy toward Britain and the United States and were  
18      trying to guide foreign policy in an unsound direc-  
19      tion, even going to the extent of conspiring with  
20      or entering to the radical elements of the Army and  
21      the Navy to achieve this. This had gone so far that  
22      many of the moderates of the Ministry, who consti-  
23      tuted the great majority, had come to shrink from  
24      expressing their views, and their influence was  
25      declining, which not only disturbed the execution of

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1 a sound foreign policy in general, but in my judg-  
2 ment was likely to have a direct affect for the  
3 worse on the Japanese-American negotiations. I  
4 therefore determined to eliminate the radical ele-  
5 ments from the service, and instructed Vice-  
6 Minister NISHI to carry out such a purge, the de-  
7 tails of which have been testified to (defense docu-  
8 ment No. 2741). The result of my action was, I  
9 think, that the discipline of the Foreign Ministry  
10 personnel was effectively restored to a condition  
11 where we could exert all our efforts for the success  
12 of the negotiations without being distracted by  
13 internal dissension.

14        "51. As I have said, the Liaison Conference  
15 meetings began immediately upon installation of the  
16 new cabinet. At the first meeting, on 23 October,  
17 the Chief of the General Staff of the Army, General  
18 SUGIYAMA, emphasized the need of hastening a decision.  
19 The intent of the 6 September decision of the Imper-  
20 ial Conference, he asserted, was that during the month  
21 of September diplomacy should be accorded primary  
22 emphasis and military preparations subordinated, but  
23 that from the beginning of October preparations for  
24 military operations would be the primary and diplomacy  
25 the secondary concern. Thus I soon found that despite

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1 the understanding that the 6 September decision would  
2 be reexamined, the High Command's unceasing acceleration  
3 of preparatory military actions as well as its  
4 strong stand on the conditions of the negotiations,  
5 were to be an obstacle to the management of the  
6 negotiations throughout. At the time that I became  
7 Foreign Minister and a participant in the Liaison  
8 Conference the only other changes in its membership  
9 were the ministers of Navy, SHIMADA, and Finance,  
10 KAYA. There is a sort of momentum which must be  
11 reckoned with in such a case; not only did those  
12 who had been members of the Conference longer exer-  
13 cise greater influence in its deliberations than  
14 did newcomers, but they were also unable entirely  
15 to free themselves from the history of the matters  
16 discussed. Their approach to the reexamination of  
17 the 6 September decision, therefore, was to take that  
18 decision as a basis and to study what revisions of  
19 it could be made; and there was a strong feeling that  
20 it should not easily be changed. At the same meeting  
21 of the Liaison Conference -- the first -- the Vice-  
22 Chief of the Army General Staff, Lieutenant-General  
23 TSUKADA, was even more pessimistic and more intransi-  
24 gent: he saw, he said, no possible prospect of a  
25 successful outcome of the Japanese-American negotia-

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1 tions, and in view of the fact that Britain and  
2 America had already ruptured economic relations and  
3 strengthened their encirclement of Japan, these  
4 should be broken off at once and action taken in  
5 self-defense. I opposed this position of the High  
6 Command vigorously, insisting that if there were  
7 means of breaking the deadlock it was necessary that  
8 all of them be tried; and I declared that since there  
9 was room to try them, it would be an error to be over-  
10 hasty in taking military action now. With the object  
11 of reconciling these sharply-conflicting viewpoints  
12 the Liaison Conference studies went on, with recon-  
13 sideration and study continuing every day, sometimes  
14 through the night and into the early hours of the  
15 morning; debate often developed into heated argument;  
16 no effort was spared for minute and careful discus-  
17 sion of the problems on hand.  
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1                 "52. There had been three major points of  
2 difference between the two Governments; the Tripartite-  
3 Pact question, that of nondiscriminatory access to  
4 trade in China, and that of the stationing of Japanese  
5 troops in China. It then appeared, from the report  
6 of Ambassador NOMURA, that of these the first two had  
7 reached a point of understanding where agreement would  
8 readily be reached (exhibit No. 2906). I therefore  
9 concentrated my efforts on persuading the Liaison  
10 Conference to agree to the making of such further  
11 concessions on what was considered the remaining  
12 outstanding problem--that of the stationing of troops  
13 in China--that agreement might be reached with  
14 America. My study of the subject had convinced me  
15 that it would be necessary to make some further  
16 advance toward the American position, the best method  
17 of approach to which was by adopting as a basis the  
18 conditions which my predecessor, Foreign Minister  
19 TOYODA, had regarded as offering the possibility of  
20 agreement (exhibit No. 2916), and then endeavoring  
21 to get agreement on new proposals. I therefore worked  
22 to secure agreement by the Liaison Conference upon a  
23 program developing those points. There was at that  
24 time a wide gulf between the positions of the two  
25 parties in the Japanese-American negotiations, and

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1 it was agreed by all that it would require a radical,  
2 almost revolutionary, change in the American attitude  
3 for any prospect to appear of settlement on the basis  
4 of the minimum demands contained in the 6 September  
5 decision. From the beginning, however, the majority  
6 of the participants in the Liaison Conference opposed  
7 the adoption of the principle of withdrawal of troops  
8 from the specified areas of China, and I had to fight  
9 unceasingly for it; the Army members especially  
10 strongly emphasized the necessity of indefinite  
11 stationing of Japanese troops in specified areas of  
12 China. In the end, as a result of my strong conten-  
13 tion that it was improper and disadvantageous to  
14 station troops indefinitely on the soil of another  
15 country, the others relaxed their stand to the extent  
16 of agreeing with me to put a time limit on the station-  
17 ing. As to the duration, however, various strong  
18 opinions were still presented. I first proposed the  
19 same time limit as that suggested by Foreign Minister  
20 TOYODA, five years. I could obtain no support for  
21 this, and then suggested eight years and ten years,  
22 also without success; there were even suggestions in  
23 the Conference of setting a 99-year period, or one of  
24 50 years. Finally twenty-five years was agreed upon  
25 as an approximate limit. It will be observed that the

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1 actual proposal (Proposal 'A') to the United States  
2 did not mention the twenty-five year period, but  
3 limited the time only (as had been done in all pro-  
4 posals) to 'a necessary period.' This was because  
5 it was felt that at that stage the whole negotiation  
6 might be upset if debate over details were injected  
7 into it. The twenty-five year 'approximate goal'  
8 was therefore given to Ambassador NOMURA to be used in  
9 case of inquiry by the United States; but I had a talk  
10 privately with the Premier, and reached an understanding  
11 with him that if we found the United States to be in  
12 a receptive mood toward Proposal 'A', in general,  
13 still further moderation of its terms might be con-  
14 sidered. I did succeed in winning agreement to  
15 limiting the stationing of troops in the geographical  
16 sense, by having excluded from the areas where troops  
17 would be stationed the Shanghai triangular zone,  
18 Amoy and others; this too was achieved only after a  
19 struggle, for there was opinion by the military and  
20 naval authorities that we should retain the right to  
21 station troops at all the points specified by the  
22 1940 treaty between Japan and the Wang Ching-wei  
23 regime.

24 "53. A related problem was that of French  
25 Indo-China. Admiral TOYODA's proposal in this

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1 connection was that of no further increase of  
2 Japanese troops in Indo-China, in view of the  
3 apprehension entertained by the United States over  
4 the threat of Japanese military advance to the south  
5 with Indo-China as a springboard. With respect to  
6 this point also I prevailed upon the Army to agree,  
7 in pursuance of the main object of avoiding war, that  
8 upon the reaching of an agreement with the United  
9 States all troops would be immediately withdrawn  
10 from southern French Indo-China--a greater concession  
11 than that proposed by Foreign Minister TOYODA. In  
12 this matter, too, the opposition was strong; I won  
13 my point here and on the time limit for stationing  
14 of troops in China only by threats to resign if this  
15 much scope for diplomatic action was not allowed me.

16 "54. Persuading the Liaison Conference to  
17 agreement on these two major points was not achieved  
18 without long and arduous work--for, despite the  
19 'wiping the slate clean' which was often spoken of,  
20 practically it was not possible to ignore entirely  
21 the past course of affairs, and the limitation imposed  
22 by the 6 September decision upon diplomatic action  
23 did still subsist, at least that part which was a  
24 fait accompli--namely, that the period up to the  
25 middle of October had passed, and that the increasing

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1 military preparations which had been carried out had  
2 given rise to a feeling among the military that Japan  
3 would not be defeated if war came. This constituted  
4 a great obstacle to the re-examination of the 6  
5 September decision or the determination of the con-  
6 ditions of further diplomatic negotiations. But  
7 while I had expected that the Army's stand on the  
8 making of concessions in the negotiations would be a  
9 strong one, I was somewhat astonished, in view of  
10 the history of the matter, to find from the Liaison  
11 Conference discussions toward the end of October that  
12 of the Navy scarcely less strong. In view of this,  
13 on 30 October I sent a representative to Admiral  
14 OKADA, veteran of the Navy and an ex-premier who, I  
15 thought, had much influence in naval circles, to  
16 inform him of this situation and to request him to  
17 use his influence to moderate the stand of the Navy  
18 toward the negotiations.

19 "55. By these efforts I finally succeeded  
20 in securing consent of the Liaison Conference to my  
21 presenting the Proposals 'A' and 'B', which were  
22 approved at the Imperial Conference of the 5th. The  
23 plan of these two proposals was my own idea, but sub-  
24 ject to modifications as above mentioned, and in the  
25 form adopted represented the utmost concessions which

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1 at that time could be wrung from the military author-  
2 ities.

3 "56. In addition to the question, already  
4 discussed, of whether and on what basis to continue  
5 the negotiations with the United States, there was  
6 another which was never absent from the background  
7 of the Liaison Conference discussions. This was the  
8 question of what Japan's policy should be if the  
9 negotiations failed in the end. This question first  
10 became explicit at the all-night session of 1-2  
11 November, when there was a heated discussion of it  
12 and I again insisted with all possible force on  
13 avoiding war. To me it seemed of paramount importance  
14 to avoid war at almost any cost; I had seen the  
15 after-effects of World War I, in Europe, and knew  
16 that modern warfare would bring still greater suffering  
17 and misery to the peoples of the belligerent countries,  
18 and I felt that only by steady, sound development,  
19 avoiding sudden expansion or war, could a nation pro-  
20 gress. I therefore insisted that even if the nego-  
21 tiations should end in failure, war need not follow;  
22 that even in such circumstances we should exercise  
23 patience and forbearance and await a changed situation.  
24 The military representatives retorted with the utmost  
25 vehemence that Japan must fight sooner or later,

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unless the negotiations could be concluded, for the reason that Japan's dependence upon imports of supplies, especially petroleum, was so great that with economic blockade of Japan in progress the 'gradual exhaustion' of Japanese resources was apparent, and that if after our stockpiles had fallen to a minimum additional pressure were applied to enforce demands made by the United States and Britain relative to China or other problems we would have no alternative but complete submission without being able to fight. In this connection, a suggestion had been made that perhaps we could continue with economic relations ruptured, assuring a supply for our needs by the production of synthetic oil. I concurred in the suggestion and argued in support of it, but the opinion of the Planning Board was that reliance could not be placed on synthetic petroleum, for Japan's production of iron and coal was insufficient, and their use for manufacture of petroleum would be at the sacrifice of other vital industries. The Board's opinion was also that, in view of the amount of equipment and other materials needed, it would if it were attempted be four or five years before annual production of four million tons could be attained. Thus the overwhelming opinion of the Liaison Conference was

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1       that though there might be a possibility of the  
2       international situation's turning in our favor if  
3       we exercised patience and watched the development  
4       of affairs until the spring of 1942, nevertheless  
5       in view of the gradual exhaustion of our stockpiles  
6       and the operational disadvantages which would come  
7       with delay, the prospect of the negotiations must  
8       be definitely ascertained while the situation was  
9       still favorable to Japan, and that if they were to  
10      fail we must go to war without further loss of time.  
11      The general feeling was, throughout this period,  
12      that the United States was conducting negotiations  
13      only to gain time for military preparations, and it  
14      was pointed out that from this cause also delay was  
15      disadvantageous to Japan.

16      "57. The great majority of those attending  
17      the Liaison Conference were, as I have said, of the  
18      view that there was no alternative to war if nego-  
19      tiations failed. The Army High Command expressed  
20      confidence in victory in the over-all prospect of the  
21      war. But the view of the Navy High Command was that  
22      they were confident of initial success; that though  
23      the situation after a year and a half or two years  
24      would depend on the general strength of the country  
25      and the international situation, we could establish

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1 an impregnable position if we occupied strategic  
2 points in the South; and that since we could only go  
3 to war immediately if negotiation failed and since  
4 we would lose the opportunity of success unless we  
5 did so immediately, we should decide on that day the  
6 steps to be taken in case of failure of negotiations.  
7 As, however, it was clear to me that once a war with  
8 America and Great Britain began it would be a long  
9 war, I thought it a shortsighted view and a great  
10 mistake to depend much on the good prospects at the  
11 outset. I knew, I said, something of the determina-  
12 tion and indomitable spirit of the American and British  
13 people, and by embarking Japan upon a war with them,  
14 should we lose it, no matter if the other party was  
15 wrong, we would be inviting disaster to our country.  
16 I therefore specifically asked the War and Navy  
17 Ministers for their views on the over-all prospect  
18 of a war.

19 "58. The War Minister, TOJO, replied by  
20 saying that the prospects were certain that not only  
21 success at the outset but also victory in the war as  
22 a whole could be won. Navy Minister SHIMADA said that  
23 there was no need for pessimism; and the Chief of the  
24 Naval General Staff, Admiral NAGANO, stated, in  
25 addition to reiterating the necessity of immediate

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1 decision, that the Navy had every confidence in  
2 its ability to carry out interceptive operations,  
3 and that if the United States fleet should venture  
4 northward from the Central Pacific the Japanese  
5 Navy could and would destroy it, in the area of  
6 the Mandated Islands.

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1        "59. After the all-night discussion on 1-2  
2        November the majority agreed that if the negotiations on  
3        the basis of Proposals 'A' and 'B' failed Japan would  
4        decide upon war. However, the explanations of the military  
5        and naval authorities and of the Planning Board failed  
6        to satisfy me, and I was not willing to concur at once  
7        in the proposal to decide on war in case the negotiations  
8        failed. Therefore, despite the High Command's and the  
9        Navy Minister's pressing for an immediate decision, at  
10      the conclusion of the Liaison Conference of 1-2 November  
11      I requested that I be given the night to think the matter  
12      over before giving my vote. Finance Minister KAYA joined  
13      me in this request.

14        "60. I deliberated over the whole matter that  
15      night. Although I felt that something less than full  
16      credit should be accorded to the assurances of the military  
17      authorities, I could not refute their arguments, having  
18      no accurate data (all of which were military secrets)  
19      upon which to judge of the condition of the armed forces  
20      of Japan, nor of the national strength of Japan in other  
21      fields. All of the arguments from the viewpoint of the  
22      international situation had been fully considered. I  
23      had pointed out the vast material and spiritual strength  
24      of Britain and the United States, and I had insisted  
25      that no great expectation could be entertained of German

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assistance. I came to the conclusion that so far as concerned the views of the armed services on the prospects of war, I was in no position to refute them or disprove their factual basis, but had to take them on trust. The only remaining question was whether I might be able to bring about a change in the situation by my own resignation. In this connection I called, in the morning of 2 November, on former Premier HIROTA, who was one of my seniors in the Foreign Ministry and from whom I had received advice and assistance on other important problems. I explained to him the general situation, and told him that the Japanese-American question was in far more serious state than I had thought when I entered the Cabinet, and that there was great danger of war despite my resolution to succeed by diplomacy, and asked his opinion of whether there was a possibility of bringing about a change in the situation by my resignation. Mr. HIROTA was opposed to the idea; if I resigned, he pointed out, a supporter of war might immediately be appointed Foreign Minister, therefore I should remain in office to do all that I could to maintain peace. Meanwhile, Vice-Minister NISHI, whom I had sent to learn the Finance Minister's decision, returned with the report that Mr. KAYA had reported to Premier TOJO his concurrence in the decision of the majority of the Liaison Conference. It seemed to

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1 me, considering all these factors, that there was nothing  
2 for me to do but agree; and I therefore called on the  
3 Premier around 12 o'clock and told him that I did so.  
4 I took the occasion, however, to secure his agreement to  
5 several suggestions which I made to him. One was that  
6 if the United States showed a receptive attitude toward  
7 either of our proposals, 'A' or 'B', he would support  
8 me in obtaining Japanese reconsideration of our maximum  
9 concessions, for the sake of the success of the negoti-  
10 ations. Premier TOJO also confirmed the agreement which  
11 I had obtained from the High Command in the Liaison  
12 Conference, that if negotiations should be successfully  
13 concluded, all military operations would be suspended  
14 and the original status restored. I told the Premier  
15 at that time that I would now continue the negotiations  
16 on the basis of Proposals 'A' and 'B', with the resolve  
17 that if they did end in failure I might consider resign-  
18 ing. The proposals were reported to the Cabinet meeting,  
19 with my explanation of how they had been decided upon  
20 by the Liaison Conference. The proposals were of course  
21 approved by the Cabinet, and also by an Imperial Con-  
22 ference on 5 November.

23  
24 "61. Proposals 'A' and 'B', which were approved  
25 by the Imperial Conference on 5 November, are already  
in evidence (exhibits Nos. 1246 and 1245H). I felt that

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1 if the United States were willing to understand Japan's  
2 position and manifest a spirit of reciprocity, it might  
3 be quite possible to break the deadlock by agreement on  
4 the general lines of Proposal 'A'. By that time, however,  
5 matters had reached such a stage that settlement of all  
6 the outstanding problems at a stroke was likely to be  
7 difficult at best, and sure to be impossible if we en-  
8 countered continued American insistence on their demands.  
9 It was for the purpose of averting a crisis by agreement  
10 on the most urgent matters calling for immediate solution  
11 that I had prepared Proposal 'B' as well. The intention  
12 of Proposal 'B' was, by restoring conditions to something  
13 resembling normal relations -- to those prevailing before  
14 July -- to create a calm atmosphere and remove the im-  
15 minent threat of an outbreak of war.

16 "62. Negotiations on the basis of the new pro-  
17 posals commenced in Washington on 7 November. The course  
18 of the negotiations in Washington has been fully testi-  
19 fied to by the witness YAMAMOTO (Exhibit No. 2915), and  
20 I shall not repeat his explanations. The deliberations  
21 of the Liaison Conference, however, continued; it would  
22 be a happy solution if the impasse in the negotiations  
23 could be broken by the two new proposals, but in the  
24 light of the past attitude of the United States suffici-  
25 ent expectations of favorable reception could not be

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1 entertained to justify the abandonment of further study  
2 toward the eventuality of failure of the negotiations.  
3 Hence the Liaison Conference discussions treated not only  
4 of the conduct of the negotiations but also of measures  
5 to be taken in case of failure of negotiations.

6 "63. It was a little before this time that I  
7 discovered that the condition of the negotiations was  
8 not quite what we had all thought it. I have mentioned  
9 before the reports from Washington had given reason to  
10 believe that the Tripartite Pact and China-trade questions  
11 had already been all but settled. The longer I studied  
12 the files, however, the less evidence I could find of  
13 anything tangible to support this belief; and finally  
14 I inquired directly of Ambassador NOMURA. His answer  
15 was that the reports to that effect had not been quite  
16 correct. This naturally made the prospects of settle-  
17 ment even more remote, though I still had confidence  
18 that my Proposals 'A' and 'B' were fair and reasonable,  
19 and hoped that the United States might be persuaded to  
20 recognize that fact. It was at this same time that I  
21 sent Ambassador KURUSU to assist Ambassador NOMURA in  
22 Washington. My motive in doing this was that of having  
23 in Washington during that critical period an experienced  
24 career diplomat, to assist Ambassador NOMURA in conducting  
25 the negotiations. Since Ambassador NOMURA had

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1 specifically requested even before I became Foreign  
2 Minister that Ambassador KURUSU be sent for the purpose  
3 (exhibit No. 2921), and since Ambassador KURUSU and I  
4 shared a sense of the importance of maintaining good  
5 relations with the United States, he was the natural  
6 choice for the purpose. On 3 November, therefore, I  
7 requested him to accept the mission, which he did; I  
8 outlined to him the situation prevailing and the imper-  
9 ative necessity for early settlement of Japanese-American  
10 problems, war being unavoidable if they failed, and re-  
11 quested him to convey this to Ambassador NOMURA and to  
12 cooperate with him to do their best for the success of  
13 the negotiations, which he promised to do.

14 "64. Again we encountered the time-limit. Since  
15 the beginning of November the High Command representa-  
16 tives had urged in the Liaison Conference necessity from  
17 operational considerations that it be ascertained prompt-  
18 ly whether the negotiations would succeed or fail, and  
19 they had stated strongly in the beginning of November  
20 that it must be made clear in the course of that month  
21 what the prospect of the negotiations was. It was neces-  
22 sary, they said, for them to make operational preparations  
23 on the assumption that military action would be commenced  
24 in the beginning of December should war become unavoidable.  
25 I argued against putting a time-limit to the negotiations

TOGO

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1 for the reason that it would hinder the diplomatic  
2 activities greatly, and would be likely to prevent  
3 successful conclusion of the negotiations, but I was  
4 overruled for reasons of operational necessities. This  
5 time-limit imported an additional difficulty into the  
6 negotiations; it was of course because of it that the  
7 so-called dead-line was set in instructions to the  
8 Washington Embassy.

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"Military preparations were, of course,  
1 simultaneously being made ever since the decision of  
2 6 September but, they being matters of operational  
3 secrets, no information concerning them was given  
4 to the Liaison Conference. The civilian cabinet  
5 ministers who participated in the Liaison Conference  
6 were never informed of the operational preparations,  
7 and never knew, for example, that the Japanese fleet  
8 had assembled in and sailed from Hitokappu Bay, or that  
9 the Southern Army Headquarters had been formed and  
10 General TEKAUCHI appointed its commander-in-chief. As  
11 to the sailing of the fleet, it first came to my  
12 knowledge after the termination of the war, from  
13 reading the newspapers. The fact that the first tar-  
14 get of military operations was Pearl Harbor had never  
15 before the attack been communicated to me in the Liaison  
16 Conference or anywhere else, nor from any source what-  
17 ever. I personally assumed that the Philippines and  
18 Malaya would be the first targets of military opera-  
19 tions should a war occur, since in the Liaison Con-  
20 ference there had been in early November some mention  
21 by the High Command of what time would be required to  
22 occupy the Philippines and Malaya, and a remark by  
23 the Naval High Command to the effect that they were  
24 confident of victory in battle with the American fleet  
25

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when it should come near Japan. I did not dream that  
the Japanese Navy would ever attack the American fleet  
in Pearl Harbor. The Navy High Command, when mention-  
ing war prospects, always spoke of 'luring out' the  
American fleet and destroying it 'in the vicinity of the  
Mandated Islands' -- see for example the 13 November  
Liaison Conference decision, exhibit No. 919.

"65. Proposal 'A' did not gain American ac-  
ceptance -- did not, in fact, arouse any perceptible  
interest, contrary to our expectation. Proposal 'B'  
was therefore -- after I had secured assent of the  
Liaison Conference, of course -- presented on 20 Nov-  
ember. At first conditions appeared promising; when  
we learned that the American newspapers of the 25th  
were reporting the probability that a modus vivendi  
would be concluded, we assumed that it was on the basis  
of Proposal 'B'. It was on this assumption that I  
sent to the Embassy an instruction regarding the amount  
of oil which would be requested when an agreement was  
reached. The figure adopted in this instruction was  
much less than that suggested originally by the Army  
General Staff, owing to my insistence, and was approx-  
imately equivalent to the average of Japanese imports  
over several years (exhibits Nos. 2944 and 3445).

"66. On 26 November, in Washington, Secretary

TOGO

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1 Hull handed his 'ten-point' proposal to our ambassadors.  
2 The cable from the ambassadors summarizing Secretary  
3 Hull's note was received on the 27th. Almost simul-  
4 taneously I received another cable from the ambassadors  
5 giving their recommendation of a procedure for settling  
6 Japanese-American affairs by having President Roosevelt  
7 send a personal message to the Emperor and the Emperor  
8 reply, after which in the cordial atmosphere so created  
9 the Japanese Government should propose the neutraliza-  
10 tion of French Indo-China, Thailand and the Netherlands  
11 East Indies. The ambassadors requested that Lord Keeper  
12 of the Privy Seal KIDO be consulted concerning this  
13 proposal. The suggestion of the ambassadors of the  
14 neutralization of three areas, implying the withdrawal  
15 of troops which would follow as the consequence, raised  
16 many complicated and difficult questions. Only after  
17 heated discussions and the threat of resignation in  
18 the Liaison Conference had I been able to obtain the  
19 consent of the military high command to the withdrawal  
20 of troops from southern Indo-China; in the circumstances  
21 prevailing it would have been impossible to secure a  
22 decision for withdrawal from all of Indo-China without  
23 any assurance of solution of such related questions as  
24 that of Japanese-Chinese peace, freezing of assets,  
25 and others. The recommendation of the two ambassadors

TOGO

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1 proposed only the neutralization of French Indo-China,  
2 the Netherlands East Indies and Thailand, and made  
3 no mention of the possibility of rescission or freezing  
4 of assets, deemed absolutely necessary by Japan, if it  
5 were adopted, nor of the United States' readiness to  
6 undertake mediation for peace between Japan and China,  
7 the reaching of which peace had been the fundamental  
8 reason for the stationing of Japanese troops in Indo-  
9 China. Moreover, it was clear that the two ambassadors  
10 themselves had no confidence in the success of this  
11 procedure after receiving Secretary Hull's note on  
12 the 26th, for in their telegram dispatched shortly  
13 after the receipt of that note they reported that there  
14 was no prospect of reaching an agreement and advised  
15 measures to be taken in case freedom of action was  
16 resorted to (exhibit No. 2949).

17 THE PRESIDENT: We will recess for fifteen  
18 minutes.

19 (Whereupon, at 1045, a recess  
20 was taken until 1100, after which the  
21 proceedings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.  
3

THE PRESIDENT: Major Blakeney.

MR. BLAKENEY: On page 30, paragraph 67.

67. On the 27th there was a Liaison Con-  
ference at which the Hull note of 26 November was dis-  
cussed. The reaction of all of us to it was, I think,  
the same. Ignoring all past progress and areas of  
agreement in the negotiations, the United States had  
served upon us what we viewed as an ultimatum contain-  
ing demands far in excess of the strongest positions  
theretofore taken. We felt that clearly the United  
States had no hope or intention of reaching an agreement  
for a peaceful settlement, for it was plain to us and  
must have been plain to the Americans that this document  
demanded as the price of peace total surrender by Japan  
to the American position. Japan was now asked not only  
to abandon all the gains of her years of sacrifice,  
but to surrender her international position as a power  
in the Far East. That surrender, as we saw it, would  
have amounted to national suicide. The only other way  
to face this challenge and defend ourselves was war.

68. The following day, the 28th, I called  
on the Premier at his official residence fifteen  
minutes before the cabinet meeting which was scheduled

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to convene at 10 a.m. I talked over with him and with  
1 Navy Minister SHIMADA, who appeared from the next room  
2 and joined us, the Ambassador's recommendation, as  
3 well as the Hull note, the full text of which had been  
4 received. Though they should both of course have been  
5 familiar with the Ambassador's report of Secretary  
6 Hull's note and with their recommended plan -- since  
7 copies of all the important cablegrams relating to the  
8 negotiations were automatically routed by the Foreign  
9 Ministry to the War and Navy Ministries, and the General  
10 Staffs through the Military and Naval Affairs Bureaus  
11 (exhibit No. 2915) -- I made explanation to them of  
12 the contents of these messages. Both the Premier and  
13 the Navy Minister were of opinion that there was abso-  
14 lutely no hope of a solution by such means as that pro-  
15 posed by the Ambassadors. I left before the end of  
16 the cabinet meeting, since I was being received in  
17 audience at 11:30. Before being received in audience  
18 I explained to Lord Keeper KIDO about the Hull note,  
19 and talked with him (telling him that that was their  
20 desire) concerning the two Ambassadors' recommendation.  
21

"He was discouraged by the Hull note, and  
22 he too was of the opinion that the Ambassadors' recom-  
23 mendation was insufficient to save the situation.  
24 Marquis KIDO even said that if its conditions were  
25

TOGO

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adopted as the basis of a settlement, the result might  
1 be civil war. I told him that I would report his op-  
2 nion to Ambassador NOMURA. The plan was not reported  
3 to the Emperor because there was none who could take  
4 responsibility for it, the government having no confi-  
5 dence in its realization and his chief adviser being  
6 against it. Ambassador NOMURA was instructed according-  
7 ly, that the quarters he had suggested had been con-  
8 sulted but that the recommendation was not regarded  
9 as appropriate for adoption at that time (exhibit  
10 No. 1193). It was at this time that we received a re-  
11 port from Ambassador NOMURA that the State Department,  
12 which had theretofore maintained silence concerning the  
13 negotiations, had made public their development, and  
14 that the American press was saying that the decision of  
15 peace or war was in Japan's hands (exhibit No. 2750).  
16 In reading this report, we felt that America was ex-  
17 pecting war.  
18

"69. Now for the second time I considered  
19 resigning as Foreign Minister. I had at all times had  
20 the intention of resigning if by doing so I could fur-  
21 ther the Japanese-American settlement. Conditions  
22 were now, however (for reasons which I shall mention  
23 in a moment), basically different from those of early  
24 November when I had first considered resignation, and  
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there seemed little likelihood that a change in  
1 foreign ministers could affect the situation. I did,  
2 nevertheless, ask for the advice of former Foreign  
3 Minister SATO, one of the Foreign Ministry seniors who  
4 had been much interested in the success of the negotia-  
5 tions, whether by resignation I could bring about a  
6 change of over-all policy by forcing a change of  
7 cabinet, and thus avoid war. He advised me against  
8 resignation, saying that there was no possibility that  
9 it could affect the situation -- as did a few others  
10 whom I consulted concerning the matter. My reason for  
11 feeling at that time that resignation would be useless  
12 is as follows. Before, the question had been one of  
13 wringing from the military authorities agreement to  
14 the making of further concessions which might lead to  
15 a compromise of the Japanese and American positions;  
16 by resignation I might (I had thought) have been able  
17 to force a change of government in favor of one able  
18 to take a stronger stand against the demands of the  
19 military high command. Now, it appeared that no conces-  
20 sions which Japan could make would avail to reach an  
21 agreement with America; America evidently was no longer  
22 interested, if she ever had been, in any compromise;  
23 it was now, patently to everyone, a question of the  
24 self-defence of our nation. There remained only the  
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1 faintest hope of a diplomatic settlement, and that  
2 hope was based on the possibility of American reconsi-  
3 deration; my resignation would in no way have assisted  
4 toward a settlement, but would only have been an escape  
5 from my responsibility. I therefore decided to stay  
6 on, work for every last chance to avoid war, and, should  
7 war break out, to do everything in my power for its  
8 earliest possible termination in the interest of Japan  
9 and of the world.

10 "70. As I have said, the feeling not only  
11 of myself but of all concerned in the matter was that  
12 after the Hull note of 26 November there was no hope  
13 for a settlement with the United States unless it  
14 could be persuaded to reconsider its newly-adopted  
15 extreme stand. I had felt earlier that war need not  
16 be the consequence of a failure of negotiations; I  
17 had been overruled, and submitted. But now it was a  
18 far broader question. The very existence of the  
19 Japanese nation was at stake, and I was compelled to  
20 agree that we must wage war, whatever the prospects,  
21 unless America would reconsider. At the Liaison Con-  
22 ference of 27 November, everyone had agreed on this,  
23 and there was no dissenting voice to the proposition  
24 that we must go to war. The meeting adjourned with  
25 the decision to present the recommendation to an

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35,711

Imperial Conference.

"71. The Liaison Conference decision after  
consent by the cabinet meeting of the following day,  
was presented to the Imperial Conference of 1 December  
and was there approved, the general feeling being that  
Japan had no alternative but to resort to self-defence.  
On the 29th there was a meeting of the Elder Statesmen,  
or ex-Premiers, concerning which there has been some  
testimony. There was a morning meeting called by the  
government, and an afternoon audience with the Emperor.  
At the morning meeting there were explanations made  
to the Elder Statesmen by the Premier and other cabinet  
ministers; the Premier's was of the reasons compelling  
Japan to resort to war, mine was confined to the Japan-  
ese-American negotiations, and was given in detail;  
ex-Premiers WAKATSUKI and HIROTA alone made inquiries  
concerning the negotiations, which I answered fully, as  
has been testified to by Admiral OKADA (exhibit No.  
3229). No one present expressed the view that the  
American proposal should be accepted. At the afternoon  
meeting, held in the presence of the Emperor, Prince  
KONOUE especially stated that he was fully informed  
concerning the negotiations and approved of the efforts  
of the government. He said that he agreed that there  
was no hope for the negotiations, in view of the recent

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United States proposal, but wondered whether there was  
1 no way by perseverance to avert war. The Premier  
2 replied that the matter had been thought over again  
3 and again and studied most earnestly by us, and that  
4 the conclusion was that there was no other course than  
5 war.

6 "72. On 1 December the actual decision to  
7 commence the war was made, by the Imperial Conference  
8 called for the purpose. Those present were all mem-  
9 bers of the cabinet, chiefs and vice-chiefs of Army  
10 and Navy General Staffs, the Chief Cabinet Secretary,  
11 directors of Military and Naval Affairs Bureaus, and  
12 the President of the Privy Council. Again explanations  
13 were made by the Premier (exhibit No. 2954) of the  
14 circumstances compelling us to go to war, and by me  
15 of the negotiations and the impossibility of continuing  
16 them after the 26 November note (exhibit No. 2955).  
17 Explanation of various other matters by the other cabi-  
18 net ministers and the High Command followed. There  
19 was then unanimous agreement on the necessity of going  
20 to war.  
21

22 "73: Even with the formal decision taken  
23 to go to war, there remained some hope, faint though  
24 it was, of reaching a solution through diplomacy.  
25 Japan had nothing new to offer; but there always

TOGO

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35,713

1 remained the possibility that, especially if we took  
2 a strong stand -- by manifesting no intention to yield  
3 to the American demands -- the United States would  
4 repent of the finality with which its latest position  
5 had closed negotiations and, being willing to make a  
6 'peace with honor' for both sides, would reconsider.  
7 For this reason I urged our Ambassadors in Washington  
8 to do what they could to obtain American reconsidera-  
9 tion, and so reported to the Liaison Conference. Prior  
10 to the decision for war of 1 December, of course, I  
11 had already instructed the Ambassadors not to let nego-  
12 tiations lapse, which would have made certain the war  
13 which up to then was only probable. For continuing the  
14 negotiations in the only way that I could see open I  
15 am now charged with deceit and perfidy, with having  
16 kept up a pretence only to gain time to cloak the  
17 military preparations which were going forward. I have  
18 attempted to make it clear that it was never, at any  
19 time, on our side, a question of gaining time, but that  
20 rather I had the constant struggle to prevent precipi-  
21 tate action by the military High Commands -- and not  
22 only I, but my predecessors had had this struggle  
23 throughout the Japanese-American negotiations, to defer  
24 military action and keep negotiations going. It seems  
25 to me yet that, even when war had been actually decided

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1 on, I would have been a traitor to my profession had I  
2 not tried to take advantage of any last hope for a  
3 peaceful settlement; and, as has already been testified  
4 (exhibits No. 809 and 2915), I had secured the commit-  
5 ment of the High Command that if by any chance an  
6 agreement could yet be reached, all military plans  
7 would be cancelled.

8 "74. Meanwhile, there remained the important  
9 questions of procedure -- how and when to notify the  
10 commencement of hostilities if we obtained no reconsi-  
11 deration from the United States and had to carry out  
12 the plan for war. These questions of procedure came  
13 up at the first Liaison Conference following the  
14 Imperial Conference. At this meeting I asked when  
15 operations would commence. General SUGIYAMA, Chief  
16 of the Army General Staff, said, 'about next Sunday.'  
17 I thereupon said that it was appropriate that the usual  
18 and customary procedure be followed in regard to noti-  
19 fying the commencement of hostilities, which I had  
20 assumed would be done as a matter of course. I was  
21 immediately met, however, with the statement by Admiral  
22 NAGANO, Chief of the Naval General Staff, that the Navy  
23 wished to carry out a surprise attack, and by the demand  
24 by Vice-Chief ITO that the negotiations be left unter-  
25 minated, in order that the war be started with the

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maximum possible effectiveness. I rejected this suggestion, replying that it was contrary to the usual practice and highly improper, and that such conduct would be disadvantageous because, even if we were going to war, there would be a time when the war would come to an end and we would be a nation at peace again, and we should think of our national honor and repute against that day before committing irresponsible acts at the war's beginning. I had received a telegram from our Ambassadors in Washington actually discussing this very point and urging that if Japan was going to resort to 'freedom of action' a notification of the breaking off of negotiations should be given also in Washington (exhibit No. 2949); and I quoted this to the meeting to show that my suggestion was the natural and normal one and that notification was absolutely necessary as a matter of international good faith. However, Admiral NAGANO continued to contend strongly that if we were to go to war we must win. None among the members came to my support; which is perhaps the best explanation for the fact that none of them now remembers this alteration. I was disgusted by the Navy's position, and took the initiative in adjourning the conference, without any decision's having been reached. Immediately upon my arising from my seat Admiral ITO came to my

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1 place and pleaded with me to understand the difficult  
2 position of the Navy, and suggested that in any event  
3 the notice breaking off negotiations, if one must be  
4 given, be given to the American Ambassador in Tokyo,  
5 rather than in Washington. I refused, and we parted  
6 without any agreement. I felt, nevertheless, that he  
7 recognized that the Navy would have to agree to giving  
8 somewhere a notification of termination of negotiations  
9 before attacking.

10 "75. Upon the opening of the following  
11 Liaison Conference Admiral ITO announced that the Navy  
12 had no objection to delivering the notification of  
13 termination of the negotiations in Washington, and  
14 requested that the notice be delivered at 12:30 p.m.,  
15 7 December, Washington time. No one opposed. I  
16 inquired whether that would leave a sufficient time  
17 before attack, and he said that it would. (I shall  
18 explain presently my conception of 'a sufficient time.')  
19 It was therefore so agreed. My feeling was that after  
20 a hard struggle I had succeeded in stopping the Navy's  
21 demand, but had stopped it at the ultimate limit of  
22 international law. Since the end of the war -- or,  
23 more precisely, since the beginning of this trial --  
24 the Navy has taken the line that nothing was ever  
25 further from their intention than to mount a 'surprise'

TOGO

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1 attack against the United States. It is clear that  
2 my testimony on this point, as in some other particulars  
3 of events leading up to the Pacific war, is in conflict  
4 with that of other defendants. The decision between  
5 us is, of course, for the Tribunal. I have fought  
6 throughout my life for what I thought was right, and  
7 now at the end of it I am determined, for the sake of  
8 history as well as the purposes of this Tribunal, to  
9 the best of my ability and recollection to tell the  
10 full truth as it is known to me, neither attempting to  
11 evade responsibility which is mine nor accepting that  
12 which others would transfer to me.

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"76. This may be the opportune time to explain  
1 my understanding of the international law in regard to the  
2 question of commencement of hostilities. I am no  
3 scholar of international law, but of course as a  
4 diplomat throughout life I have made some study of the  
5 subject, and in December 1941 I saw the matter as follows.  
6 As I have attempted to make clear, my feeling, like  
7 that of all others concerned in the decision to wage  
8 war was one of self-defense -- clearly so under the  
9 broad interpretation of the scope of the right of  
10 self-defense laid down by the United States in these  
11 very Japanese-American negotiations -- and I was aware  
12 that opinion existed that a war of self-defense required  
13 no giving of a declaration of war. I knew for example  
14 that when Hague Convention III was considered in the  
15 Peace Conference of 1907 the American delegate, General  
16 Porter, specially stated that the policy of the United  
17 States invested the President with the power to exercise  
18 the right of national self-defense at any time and place--  
19 and that the United States did not, apparently, regard  
20 the convention as applicable in such case, as was  
21 demonstrated when the punitive expedition was sent to  
22 Mexico in 1916 without the declaring of war by the  
23 Congress, it being explained as an act of self-defense.  
24 I knew also that Secretary of State Kellogg, in his

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1 note to all the nations participant in the Kellogg-  
2 Briand Pact, had said that the right of self-defense  
3 was above treaty provisions. But since international  
4 agreements did in their wording provide for (though  
5 international practice had largely ignored) the giving  
6 of a notice as the normal course, I thought it better  
7 in every way that that course should be followed even  
8 in a case where it might be superfluous, rather than  
9 that there should be any question of Japan's good-faith  
10 observance of international morality.

11 "77. The notice which we proposed to and did  
12 serve upon the United States was not in terms a  
13 declaration of war. I considered a notice of termination  
14 of negotiations to be sufficient, and a compliance with  
15 international law in the situation of that time, for  
16 the following reasons. The Hull note of 26 November we  
17 regarded as being beyond any possible question an  
18 ultimatum from the United States -- it offered to Japan  
19 the alternatives of abject surrender or war. Japan's  
20 answer to the American ultimatum, rejecting it, we  
21 felt to be sufficient as a notification that hostilities  
22 would be resorted to, and in effect a declaration of war.  
23 It seemed to me, in considering and approving the form  
24 of the final note, that it was in any point of view  
25 tantamount to a declaration of war: the expression

TOGO

DIRECT

35,720

'the earnest hope of the Japanese Government to preserve  
1 and promote the peace of the Pacific...has finally  
2 been lost', I thought, clearly importud that peace  
3 was ended, with war to follow. I did not feel that  
4 the document would have been made any more unequivocally  
5 a declaration of war by the inclusion in it of such  
6 stock phrases as 'a state of war exists between our  
7 countries' or the reservation of 'freedom of action'  
8 which Admiral OKA has testified that he proposed (and  
9 which, by the way, I never saw or heard of); they would  
10 only have emphasized the obvious. The note as it stood  
11 being more plainly a declaration of war than the  
12 'ultimatum' contemplated by Hague Convention III, there  
13 was no room for such phraseologies. So far as I  
14 remember, the opinion is universally held among  
15 international-law scholars that no special form of  
16 words is necessary for a document to constitute a  
17 declaration of war, but that any language was sufficient  
18 which unequivocally expressed the intention (it was  
19 clearly in my mind that one of the most recent cases,  
20 France's declaration of war against Germany in 1939,  
21 France notified only the carrying out of her obligations  
22 to Poland). But, over and above all technical questions,  
23 it had been unmistakably clear for some time in Japan  
24 that rupture of the negotiations would lead to war, and  
25

TOGO

DIRECT

35,721

I have no doubt that it was so understood in the  
1 United States as well. Hence we drew the notification  
2 in the form of a breaking-off of negotiations, which  
3 the Liaison Conference had authorized, and which was  
4 drawn in the full confidence that it would be understood  
5 as a declaration of war.

"78. The draft of this final notification  
had, except for its final part, already been drawn,  
in the days after our receipt of the United States'  
note of the 26th. It was actually written, of course,  
by the American Bureau of the Foreign Ministry; but  
its contents were those dictated by the discussions  
of the Liaison Conference. After drafting by the  
Foreign Ministry in accordance with those discussions,  
the note was revised on the basis of the opinions of  
the Army and Navy officials interested; but the details  
of this have been testified to, and I need not repeat  
them. The draft note as eventually agreed upon was  
distributed to the members of the Liaison Conference  
at the meeting on 4 December, and approved by them,  
and also, no one dissenting, by the Cabinet meeting  
of the 5th, when I orally reported on the contents.

"79. In the afternoon of 5 December the  
Vice-Chiefs of the Army and Navy General Staffs, General  
TANABE and Admiral ITO, called on me. Upon entering

TOGO

DIRECT

35,722

1 my office Admiral ITO stated that it was the desire  
2 of the High Command to postpone delivery of the final  
3 note in Washington from 12:30, as previously agreed  
4 upon, to 1 o'clock, and asked my consent. I feared  
5 that the time between notification and attack might  
6 be made too short, and asked why the change was desired.  
7 Admiral ITO said that he needed the postponement only  
8 because of his own miscalculation of the time. General  
9 TANABE said that the Army's operations would commence  
10 after those of the Navy. I asked how much time was  
11 needed between notification and attack, but was told  
12 that the operational plans were secret and could not  
13 be disclosed. I then insisted on knowing whether the  
14 proposed arrangement left an adequate time before the  
15 attack, and upon receiving Admiral ITO's assurance that  
16 it did, I agreed to the change. On leaving, Admiral  
17 ITO remarked that he hoped the note would not be  
18 dispatched to the Embassy too early; but I replied that  
19 it had to be so sent as to insure delivery to its  
20 destination at the time fixed. The agreement to change  
21 the hour of delivery was reported to the Liaison Confer-  
22 ence by Admiral ITO on the 6th. No one opposed this,  
23 and it was approved. At the same meeting, Admiral NAGANO,  
24 Chief of the Naval General Staff, said that this was a  
very important note and should be delivered to Secretary

TOGO

DIRECT

35,724

1 these authorities were of the opinion that I was  
2 correct in my beliefs that a war of self-defense  
3 required no giving of notice, but a notice however  
4 short was valid where notice was necessary. I might  
5 just add a word concerning the Kellogg-Briand Pact.  
6 As First Secretary of the Embassy in Washington at the  
7 time the Pact was negotiated I had worked on it and  
8 was therefore familiar with its history and meaning.  
9 I assumed that the explanations of Secretary Kellogg  
10 concerning the non-applicability of the Pact to a  
11 situation of self-defense, and the reservations of the  
12 right of self-defense made by various Governments before  
13 their ratifications of the Pact and not taken exception  
14 to by any other signatory power, clearly importred that  
15 that Pact likewise was not applicable in the case of  
16 Japan's war against the United States and Great Britain.  
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TOGO

DIRECT

35,723

1 Hull personally. It occurred to me that the Secretary  
2 might well have other plans for lunch-time on a Sunday,  
3 so I promised to order it done if possible -- which  
4 was ordered (Exhibit No. 1218).

5 "80. I have mentioned above my conception of  
6 'a sufficient time'. I was well aware that the  
7 conference which adopted the Hague Convention had  
8 debated fully and finally rejected a proposal to fix  
9 a definite time for advance notification of hostilities.  
10 Since, as a result, many scholars had stated that one  
11 minute's advance notice was sufficient, I felt quite  
12 assured that if a period of at least an hour were  
13 allowed it would comply with the requirement of the  
14 Convention. Not being, as I have said, an expert of  
15 international law, I not only read much on this subject  
16 in those days, but also especially sought out legal  
17 opinion. I requested the opinion, for example, of Dr.  
18 TACHI Sakutarō, generally accounted Japan's most  
19 distinguished living international law scholar, then  
20 adviser on international law to the Foreign Ministry.  
21 I had also discussed the matter long before with Dr.  
22 NAGAOKA Harukazu, who had been a member of the Secretariat  
23 of the Hague Peace Conference and Judge of the Permanent  
24 Court of International Justice; this was when I was  
25 Councillor in Berlin under him as Ambassador. Both of

TOGO

DIRECT

35,724

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2 correct in my beliefs that a war of self-defense  
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4 short was valid where notice was necessary. I might  
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12 right of self-defense made by various Governments before  
13 their ratifications of the Pact and not taken exception  
14 to by any other signatory power, clearly importred that  
15 that Pact likewise was not applicable in the case of  
16 Japan's war against the United States and Great Britain.  
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TOGO

DIRECT

35,725

Spratt & Lefler

"81. After the final note had been approved by Liaison Conference and Cabinet, I gave instructions that it should be cabled to Washington in good time, together with instructions to the Ambassador to make all necessary preparations for its delivery at the time agreed upon. The Tribunal has heard full evidence concerning this question, as well as how the delay occurred in making delivery, and I should like merely to refer to that evidence as showing that all that was possible was done in Tokyo to insure proper delivery, and that the delay was not caused, deliberately or negligently, by any action taken by me or anyone in Tokyo (exhibits Nos. 2964, 2967 and 2970). I naturally learned, however, from American radio broadcasts soon after the commencement of the war, that apparently there had been mismanagement in Washintgon. I learned even sooner that the attack on Pearl Harbor took place at about twenty minutes after the time when the note should have been delivered, and a few days after the outbreak of the war when Vice-Chief of the Naval General Staff ITO explained the matter to me I protested to him that if the attack was to follow so soon on the notification, I saw no reason for the Navy to have objected to notification in the first place. His reply was evasive -- to the effect that 'I am sorry for you; we cut it too

TOGO

DIRECT

35,726

1 fine.' A short while after the beginning of the war,  
2 in the course of a conversation with Premier TOJO, the  
3 subject came up of the American broadcasts' having  
4 reported that our note had been delivered late -- after  
5 the beginning of hostilities. We had both been dismayed  
6 and displeased at this report, and I mentioned that it  
7 was unfortunate, if true, especially in view of the  
8 great propaganda value to our enemies of such an inci-  
9 dent, and that it was being so used by them. I recall  
10 that the Premier said, 'I wonder how such a delay could  
11 have taken place? Can it be that the United States  
12 itself delayed the delivery?' I answered that I did not  
13 believe that, but that, since no communication could be  
14 had with Ambassador NOMURA, we would have to wait to  
15 learn how the delay had occurred until we could inquire  
16 of him and the Embassy staff upon their return to Japan.  
17 In fact, I gave instructions at that time to the Vice-  
18 Minister and the Chief of the Cable Section to have an  
19 investigation made when the Embassy staff returned from  
20 Washington, and when they arrived in Japan on 20 August  
21 1942, I again ordered the investigation commenced into  
22 the causes of the delay. Within a few days after that,  
23 however, I became very busy with the problem of the  
24 Greater East Asia Ministry, as a result of which I re-  
25 signed office on 1 September, without having received a

TOGO

DIRECT

35,727

1 report on the matter. The investigation was made, and  
2 its results have been testified to (exhibit No. 2964).  
3 The prosecution have introduced into evidence a pam-  
4 phlet (exhibit No. 1270-A), printed by the Treaty  
5 Bureau of the Foreign Ministry, as evidence that I had  
6 a guilty conscience over the late delivery of the  
7 final notification to the United States and attempted  
8 to procure legal opinion to justify it. Not only was  
9 that pamphlet prepared without my direction or know-  
10 ledge; not only did I never see it while I was Foreign  
11 Minister; but it is wholly unnecessary for me to seek  
12 justification for an incident which occurred in  
13 violation of my orders. Reference to the preface of  
14 the pamphlet itself shows that it was wholly unofficial,  
15 and represented merely the individual opinions of those  
16 who prepared it (defense document No. 2914).

17 "82. I first knew the contents of President  
18 Roosevelt's message of 7 December to the Emperor at  
19 around 12:30 a.m. of the 8th, when Ambassador Grew  
20 called on me. We had heard suggestions during the day  
21 of the 7th that such a message was on the way, and I  
22 had had inquiries made to try to locate it (exhibits  
23 Nos. 2960 and 2963), but had learned nothing until at  
24 about 10:00 at night Ambassador Grew called to say that  
25 he had an important message which was being decoded,

TOGO

DIRECT

35,729

1 at about 2:40. There I met Marquis KIDO in the waiting-  
2 room, and had a three- or four-minutes' talk with him  
3 before my audience, telling him the contents of the  
4 telegram; then was received in audience from 3 to 3:15.  
5 I reported the matter to the Emperor and received his  
6 answer, and left, returning to my residence at about  
7 3:30.

8 "83. The following morning Ambassador Grew  
9 called on me around 7:30 -- I had ordered arrangements  
10 made to see him at 6, but the arrangements were reported  
11 delayed by difficulty in making telephonic connection  
12 with him -- and I gave him the Emperor's answer to the  
13 President's message, as well as a copy for his reference  
14 of our final note. The war having then, of course, al-  
15 ready started, the Ambassador never formally delivered  
16 the President's message to the Emperor. Before the  
17 interview with Mr. Grew I had heard that radio broad-  
18 casts of the commencement of the war and the attack on  
19 Pearl Harbor were to have been made by Imperial Head-  
20 quarters at 6; and naturally assuming that the Ambas-  
21 sador had received the information, I made no mention  
22 in my conversation with him of the state of war, but  
23 expressed as my farewell words my appreciation of his  
24 efforts for the negotiations and my regret at the pre-  
25 cipitation of such a state of Japanese-American

TOGO

DIRECT

35,728

and would like to call as soon as the job could be  
1 finished. He did call soon after midnight; he inform-  
2 ed me of the arrival of the President's message, asked  
3 an audience -- which I told him would have to be  
4 arranged through the Imperial Household Ministry but,  
5 it being midnight, it could not be said when it could  
6 be granted -- and left a copy of the message with me,  
7 taking his departure after about fifteen minutes. I  
8 immediately ordered a translation prepared; and, the  
9 matter being an important one, I called the Imperial  
10 Household Minister, Mr. MATSUDAIRA Tsuneo, told him  
11 that the message from President Roosevelt to the  
12 Emperor had come through Mr. Grew, who wanted to have  
13 an audience to submit it to the Emperor, and asked him  
14 how, in view of the fact that it was the middle of the  
15 night, I should proceed. He told me that I should talk  
16 with the Lord Keeper of the Privy Seal, the matter being  
17 political. I then called Marquis KIDO, who suggested  
18 that I consult the Premier, and said that the Emperor  
19 would receive me even at such a time. The translation  
20 being ready about 1:50, I called on Premier TOJO at his  
21 official residence; he said that a message of such con-  
22 tents would do no good. I left him, returned to my  
23 residence to change clothing for the audience, and  
24 started at about 2:30 for the Palace, where I arrived  
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TOGO

DIRECT

35,729

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2 room, and had a three- or four-minutes' talk with him  
3 before my audience, telling him the contents of the  
4 telegram; then was received in audience from 3 to 3:15.  
5 I reported the matter to the Emperor and received his  
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7 3:30.

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12 with him -- and I gave him the Emperor's answer to the  
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14 of our final note. The war having then, of course, al-  
15 ready started, the Ambassador never formally delivered  
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19 Pearl Harbor were to have been made by Imperial Head-  
20 quarters at 6; and naturally assuming that the Ambas-  
21 sador had received the information, I made no mention  
22 in my conversation with him of the state of war, but  
23 expressed as my farewell words my appreciation of his  
24 efforts for the negotiations and my regret at the pre-  
25 cipitation of such a state of Japanese-American

TOGO

DIRECT

35,730

relations. It has since been charged that I was engaged in deceiving Mr. Grew; but it should be sufficient to point out that I could have had no motive for doing so at that time when the commencement of hostilities had been published to the world. British Ambassador Craigie followed Mr. Grew, seeing me at about 8 o'clock. This visit also was made by my request, though the time of the Ambassador's arrival was much later than planned. To him also I gave a copy of our final note, and informed him of the cessation of negotiations. As my farewell I thanked him for his endeavors for the improvement of relations between our two countries since his arrival. I thought that both these interviews were understood to be farewell greetings.

"84. Regarding the delay in delivery to Ambassador Grew of the President's telegram, I had no knowledge at the time. The testimony given in the Tribunal has disclosed that incoming and outgoing diplomatic messages were delayed by the Ministry of Communications at the request of the Army General Staff; but neither of these organizations consulted me nor, so far as I know, the Foreign Ministry in the matter, nor had I any knowledge that the delay was being effected. I had heard from Ambassador NOMURA of the press report

TOGO

DIRECT

35,731

1 that such a message had been sent by the President,  
2 even before which (having gotten such news from the  
3 press services) I had inquired of him concerning it,  
4 and had had my subordinates inquire of the Ministry of  
5 the Imperial Household on the supposition that the  
6 message might have been directed to the Emperor person-  
7 ally. However, as I say, I was able to get no inform-  
8 ation concerning it until Ambassador Grew reported.

9 "85. The question has arisen why our final  
10 notification was not served on the Government of Great  
11 Britain as well as that of the United States. The  
12 Liaison Conference decision that a notification of  
13 breaking off negotiations would be delivered in Wash-  
14 ington of course precluded the delivering of a declar-  
15 ation of war in London. There was, moreover, reason to  
16 expect that the course chosen would be equally effective.  
17 In the latter stages of the negotiations -- or at all  
18 events from the time that I became Foreign Minister --  
19 relations with Great Britain were naturally considered.  
20 Throughout the whole of the negotiations with the  
21 United States ran the assumption that to any agreement  
22 to be concluded with it the British and Dutch (and of  
23 course the Chinese) Governments would become parties,  
24 or that simultaneous settlements of outstanding problems  
25 of Pacific interest would be made with them. I therefore

TOGO

DIRECT

35,732

1 from time to time inquired concerning this point not  
2 only of the United States Government and Ambassador, but  
3 also of the British Ambassador, the answer invariably  
4 being that the settlement of all such matters would be  
5 managed by the United States Government, which would  
6 keep the British and other interested Governments in-  
7 formed. I was aware also of Prime Minister Churchill's  
8 speech of 10 November 1941, in which he had promised  
9 that hostilities between Japan and the United States  
10 would be followed automatically by those with Britain.  
11 The Tribunal has already seen the evidence of these  
12 facts (exhibits Nos. 2956, 2918, 2957, 2958, etc.). It  
13 was therefore evident that any notification to be given  
14 in connection with the negotiations might properly be  
15 given to the United States alone, relying upon it to  
16 inform the powers associated with it and for whom it  
17 had acted as representative.

18 "86. The prosecution argue that I am convicted,  
19 by a variety of evidences, of double-dealing in carrying  
20 on the Japanese-American negotiations while, as they  
21 charge, I was secretly taking part in the making of  
22 plans for war. I have already described as accurately  
23 as I am able to my actions and my thoughts and inten-  
24 tions of the seven weeks of my foreign ministership  
25 prior to the war; but, lest my silence be taken as

TOGO

DIRECT

35,733

1 admission of the charges, I must deal also with a  
2 number of minor points. First of these is the consular  
3 reports of shipping from various ports of America, the  
4 Indies and elsewhere, which were addressed to me in  
5 response to requests which had gone out over my name.  
6 Evidence has already been given that these were routine  
7 matters which were managed by subordinates of the  
8 Ministry (exhibit No. 2915). I do wish, however, to  
9 take the occasion to deny specifically that I ever had  
10 any knowledge of the subject other than the fact that  
11 such routine was followed, and to state that none of  
12 the messages in question ever came to my attention.

13 By production of exhibit No. 2975, a draft of  
14 proposed policy drawn by some Foreign Ministry subordi-  
15 nate official, the prosecution have attempted to show,  
16 I suppose, that the Foreign Ministry or the Foreign  
17 Minister had the intention of continuing negotiations as  
18 a sham. Inasmuch as this document is one of a very  
19 large number of the same type produced during the trial,  
20 I should like to say a word about its significance. In  
21 the Japanese ministries and governmental offices it is  
22 customary for low-ranking officials -- especially those  
23 below section chief -- to prepare, without specific  
24 instructions on each occasion, various 'studies' or  
25 drafts of policies, notes, etc., relating to current

TOGO

DIRECT

35,734

1 questions. These in no way represent policy of the  
2 ministry; if occasion arises, the drafts will be pre-  
3 sented to responsible officials for their consideration,  
4 when they may be adopted in toto, serve as the basis  
5 for final drafts, or be rejected. It is obvious that it  
6 would be quite out of the question for a foreign minister  
7 to read or to know of all of these papers. So far as  
8 concerns exhibit No. 2975, I can deny that I have ever  
9 seen or known of it; but in general I point out the  
10 fallacy of indulging any presumption that a state  
11 minister knows of such documents simply because they are  
12 found in the files of his ministry.

13 "87. I have already mentioned the no-separate-  
14 peace agreement which was concluded on 11 December 1941  
15 among Japan, Germany and Italy (exhibit No. 51).  
16 Despite the importance which the prosecution profess to  
17 attach to this agreement, I remain unconvinced that it  
18 is not a most natural thing for a nation which expects  
19 or fears to find itself at war to take such measures  
20 as are prudent by way of provision for it, including  
21 the acquiring of as many allies as possible. Nor was  
22 it perfidious that the negotiations for conclusion of  
23 the agreement began, as the prosecution have pointed  
24 out, during the last week before the outbreak of war.  
25 The probability of war, after the Liaison Conference of

TOGO

DIRECT

35,735

1      27 November, was very great; and this agreement was the  
2      result of our desire to get whatever assistance we could  
3      from the nations which were in all likelihood to be our  
4      co-belligerents. (My own estimate of the amount of  
5      assistance that we were likely to get was, as I had  
6      said in the Liaison Conference, quite low, and so far as  
7      I could see the main effect of a no-separate-peace  
8      agreement would be what encouragement it would bring to  
9      our people, by warding off the feeling of isolation.  
10     The Liaison Conference, however, had decided that  
11     negotiation for it should be undertaken.) Up to the  
12     time of receipt of the United States' 26 November note --  
13     and even thereafter -- I had refused repeated requests  
14     of Ambassador Ott to give the Germans any concrete or  
15     detailed information concerning the development of the  
16     Japanese-American negotiations -- no other course would  
17     have been consistent with my desire to bring the negoti-  
18     ations to success. After the American note made war  
19     almost unavoidable, for the first time on 30 November  
20     I instructed the Japanese ambassadors in Berlin and  
21     Rome to inform the Governments of Germany and Italy of  
22     the general outlines of the negotiations and to com-  
23     mence negotiations for a no-separate-peace agreement in  
24     the event of war. In connection with General Ott,  
25     moreover, I should point out the absurdity of such

TOGO

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35,736

reports of his as that of 5 December (exhibit No. 608) that any 'leading official' of the Foreign Ministry gave him such misinformation as he there recites concerning Japan's intention in commencing hostilities. No responsible official of the Foreign Ministry -- certainly none of the three or four who were informed on this subject -- would have discussed the matter with General Ott; and anyone who told him as late as 4 December that the procedure for opening hostilities was under 'deliberation' could not have been one of those few, who knew that the matter had been settled by the Liaison Conference. The Ambassador of Germany was patently taken in by the gossip of some bureau director who wished to appear to have important information to give in confidence on a matter of which he was misinformed -- or perhaps the General was, as he has testified (exhibit No. 3503) to having done on occasion, indulging his imagination.

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TOGO

DIRECT

35,737

"88. Lastly, on one or two broader questions  
1 related to the Pacific war, with the naval disarmament  
2 question I have had some connection. First was in 1932,  
3 when as Secretary-General of the Japanese delegation I  
4 worked for the success of the General Conference on Dis-  
5 armament. Later, Japan's abrogation of the Naval Dis-  
6 armament Treaties, in 1935, and the withdrawal from the  
7 London Naval Disarmament Conference of 1936 occurred  
8 during my service as Director of the European-Asiatic  
9 Bureau, and as Bureau Director I had to work on these  
10 matters with the naval officials concerned. The Navy  
11 Ministry submitted to me the draft instruction to the  
12 Japanese delegation, based on the principle of the  
13 common upper limit. In the Washington and London  
14 Treaties, however, Japan had agreed to the ratio principle  
15 of naval limitation, and had made a proposal approving  
16 it at the General Conference on Disarmament in Geneva.  
17 When I received this proposal of the Navy I opposed it,  
18 on the ground that contending for the principle of the  
19 common upper limit would not only make an agreement  
20 difficult, but would give rise to suspicion of Japan's  
21 intentions, probably blocking the conclusion of a new  
22 treaty, and thus enhancing the danger of an armaments  
23 race and a war. For two or three months we had heated  
24 discussions, during which time I never agreed to the

TOGO

DIRECT

35,738

1 Navy's proposal. Finally, as agreement could not  
2 be reached at the bureau-directors' level, the matter  
3 went to the higher authorities for decision. Foreign  
4 Minister HIROTA adopted and spoke for my view, but was  
5 overruled, and the Navy's proposal became the national  
6 policy. Having failed in my efforts for quantitative  
7 disarmament, I continued working for qualitative  
8 limitation and the exchange of information on naval  
9 ship-building, but the Navy's opposition again pre-  
10 vailed. Throughout the controversy the Navy's stand  
11 was extremely strong, and the assertion was freely  
12 made that the question of naval strength lay within  
13 the prerogative of the High Command and allowed of no  
14 outside intervention.

15 "89. The prosecution have produced evidence  
16 to show that at various times the South Seas Islands  
17 held by Japan under mandate of the League of Nations  
18 were being fortified, contrary to the terms of the  
19 mandate. I suppose that it is self-evident that if  
20 fortification was carried on, the Foreign Ministry had  
21 no part in it; but perhaps it will be charged that we  
22 were in a conspiracy because correspondence concerning  
23 the matter passed through the Ministry. This whole  
24 matter was the responsibility of the Treaty Bureau --  
25 in which I never served -- and I never had any official

TOGO

DIRECT

35,739

1 connection with it or knowledge of it; I was told by  
2 Treaty Bureau personnel that the military authorities  
3 had given assurance that they had no intention of violat-  
4 ing the terms of the mandate, and there seemed to be no  
5 reason to disbelieve it. In any event, the Foreign  
6 Ministry was, as the only branch of the government which  
7 dealt with other governments, the mere channel of commu-  
8 nication through which passed the inquiries made by the  
9 League and the answers received from the military and  
10 naval authorities.

11 "V.

12 "War-time Diplomacy and 'Greater East Asia'  
13 Relations.

14 "90. The scope of diplomacy in war-time was  
15 much restricted. With the United States, Great Britain  
16 and the Netherlands there were, of course, no diplomatic  
17 relations; with Germany and Italy questions of war were  
18 uppermost. There remained, in effect, the questions only  
19 of our relations with the U. S. S. R., the countries of  
20 East Asia and South American countries, and of diplomatic  
21 preparation for the eventual restoration of peace.

22 "91. I have already mentioned the tendency not  
23 to pay due regard to the diplomatic function, which had  
24 been increasing from some years before the war. War  
25 inevitably intensified this condition -- but diplomacy, it

TOGO

DIRECT

35,740

seemed, was expected not only to play a secondary  
1 role, as was natural with war in progress, but to be  
2 wholly neglected. A striking example of this tendency  
3 came to light at the time of the question of Japan's  
4 participation in the war against Russia. When I  
5 reported to the Emperor in July on the refusal of the  
6 German request to go to war against the U. S. S. R.  
7 and discussed with him the steps to be taken to  
8 insure that his desire should be correctly conveyed  
9 to the German Government, without interference by the  
10 military authorities, he also mentioned his desire  
11 to see an early restoration of peace. I then dis-  
12 covered for the first time that the Emperor had ex-  
13 pressed this desire to Premier TOJO as long before as  
14 February, but neither he nor the Lord Keeper of the  
15 Privy Seal had ever mentioned it to me. Needless to  
16 say, questions of military operations were still kept  
17 secret in war-time, including those which had inti-  
18 mate connection with foreign affairs -- the Navy, for  
19 example, kept entirely secret even from the Liaison  
20 Conference the defeat at Midway.

"92. Disagreement of views, partly over this  
21 question and partly concerned with the policy of direc-  
22 tion of the war, had early after the start of the war  
23 developed between me and the Premier and some of the  
24  
25

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1 cabinet ministers. The general atmosphere, both  
2 within the government and outside, was at that time  
3 one of over-optimism brought about by the initial  
4 victories of the war. The Premier and others believed  
5 that it was going to be a long war -- of ten to twenty  
6 years' duration -- and that it would take a long time  
7 for the United States to build up her fighting  
8 power, so that she would not be able to undertake a  
9 counter-offensive before 1944. Instead of trying  
10 to establish Japan in an impregnable position, there-  
11 fore, they concentrated on strengthening the political  
12 position of the government by securing election of  
13 the candidates for the Diet sponsored by the Imperial  
14 Rule Assistance Association in the spring of 1942 and  
15 by the creation of the Greater East Asia Establishment  
16 Council (from the purview of which military and  
17 diplomatic matters were excluded), and tried to con-  
18 solidate the authority of the government by putting  
19 into effect such measures as those for reorganization  
20 of enterprises and reform of the educational system.

21 "93. I opposed such measures on the ground  
22 that it was premature to undertake such a program with  
23 the war just started, and that long-range plans should  
24 not be laid in a time of emergency. As to the prospect  
25 of the war, I felt that a large-scale war of attrition

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1       could not last longer than five or six years, and I  
2 therefore insisted that it was urgent that preparations  
3 be made for increase of production and stabilization  
4 of living conditions. I came into collision with the  
5 Premier also on such other matters as the China ques-  
6 tion, in connection with which I frequently urged the  
7 Liaison Conference to reconsider promptly a fundamental  
8 policy for its solution. These differences developed,  
9 finally leading to a head-on clash and my resignation  
10 over the Greater East Asia Ministry question in  
11 September 1942. But before coming to that I should  
12 sketch the diplomacy which I conducted while still in  
13 office.

14       "94. With the Soviet Union I attempted, as  
15 always, to maintain the best relations possible. Main-  
16 tenance of neutrality with the U. S. S. R. was the  
17 fundamental policy of the government; but beyond that,  
18 from the beginning of the Pacific War I was thinking  
19 of and planning for its termination, and considered that  
20 the most promising method of approach was to try to  
21 bring about Russo-German peace as a preliminary step.  
22 I did in fact try as early as 1942 to set such a plan  
23 in motion (defense document No. 2740).

24       "95. During my tenure of office the Soviet-  
25 Manchukuoan border was generally maintained in peace.

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1      In January 1942, in particular, the governments of  
2      Manchukuo and the Mongolian People's Republic finally  
3      approved the work of the border-demarcation commission  
4      which, in accordance with the agreement arrived at  
5      between Foreign Commissar Molotov and me, had marked  
6      the border in the Nomonhan areas (exhibit No. 2659).  
7      Considering that the Russian-Manchukuoan border was  
8      (especially in view of the Russo-German war) quite  
9      secure, I often suggested to the military authorities  
10     that they could rely on my assurance that the Red Army  
11     would not launch an invasion of Manchukuo even if the  
12     Japanese forces on the border should be considerably  
13     decreased. I attempted also to avoid irritation of  
14     the U. S. S. R. by persuading the military authorities  
15     not to reinforce the Kwantung Army (I never knew, by  
16     the way, of the 'Kantokuen' of the year before.)

17       "96. At the outbreak of the Pacific war  
18       some controversies occurred between Japan and the U. S.  
19       S. R. growing out of restrictions, based on the rights  
20       of a belligerent, enforced upon the vessels of the  
21       U. S. S. R., a neutral. To such controversies the  
22       Foreign Ministry paid careful consideration, forwarding  
23       to the government of the U. S. S. R. the replies of  
24       the Navy concerning measures taken in response to the  
25       Soviet protests or inquiries. The Foreign Ministry

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1 took the initiative also in offering conveniences  
2 for the rescue and repatriation of Soviet sailors and  
3 vessels involved in such incidents, and for recompens-  
4 ing the Soviet Government by transfer to it of vessels  
5 to replace such of theirs as were sunk. There were,  
6 while I was Foreign Minister, no steps taken toward  
7 disturbing the transportation through Vladivostok  
8 of munitions from America, despite various complaints  
9 from Germany in regard to it."

10 THE PRESIDENT: We will adjourn until half-  
11 past one.

12 (Whereupon, at 1200, a recess  
13 was taken.)

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## AFTERNOON SESSION

1                   The Tribunal met, pursuant to recess,  
2  
3 at 1330.

4                   MARSHAL OF THE COURT: The International  
5 Military Tribunal for the Far East is now resumed.

6                   S H I G E N O R I T O G O, an accused, resumed  
7 the stand and testified through Japanese  
8 interpreters as follows:

9                   THE PRESIDENT: Major Blakeney.

10                  MR. BLAKENEY: I resume reading exhibit  
11 No. 3646, on page 43, section 97.

12                  "97. War-time relations with Germany and  
13 Italy were, so far as concerned the Foreign Ministry,  
14 very much restricted. Events bore out my prophecy  
15 of the amount of cooperation to be expected from our  
16 European allies; it was, as the Tribunal is already  
17 aware, never more than nominal. The Russo-German war  
18 had cut rail communication between us; and sea trans-  
19 portation became increasingly difficult until with the  
20 German defeat in North Africa communication was prac-  
21 tically restricted to the token exchanges of small  
22 amounts of supplies by submarine (exhibits Nos. 2751,  
23 etc.). At the time, of course, I had no information  
24 of the extent of such cooperation, it being military

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and hence outside my field. The respective German  
1 and Japanese attitudes vis-a-vis the USSR also illus-  
2 trate the kind of relations between the two countries.  
3 Germany's expressed desire from the time of the third  
4 KONOYE Cabinet had been that Japan join in the war  
5 against the Soviet Union, and that request was renewed  
6 in July 1942. It was decided, however, that Japan  
7 should refuse the request and give as a reason that  
8 she could not undertake a two-front war, which was  
9 accordingly communicated to the German Government  
10 through the German Ambassador in Tokyo and the Japan-  
11 ese Ambassador in Berlin (exhibits Nos. 3508, 2751,  
12 and 2762). I never dreamed of, far less participated  
13 in, any plan for Japan for domination of the world in  
14 cooperation with Germany and Italy.

15 "98. It was in October 1941, when I became  
16 Foreign Minister, that for the first time I managed  
17 as on my own responsibility affairs relating to China,  
18 including Manchoukuo. I had once, many years before --  
19 in 1929, before the Manchuria Incident -- made a visit  
20 of inspection to Manchuria, and as a result had reported  
21 to the then Lord Keeper of the Privy Seal, Count  
22 MAKINO; that we must cooperate with China in a spirit  
23 of mutuality and achieve truly cordial relations. The  
24 intervening years had seen the occurrence of the Man-

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1 churia Incident and the China Incident -- with  
2 neither of which had I anything to do. I am now  
3 charged with h.ving, by serving as a diplomat and  
4 Cabinet minister in later years, worked to secure the  
5 fruits of aggression committed there. I have never  
6 done so. I was never sympathetic to those incidents,  
7 and when I have been in positions of responsibility  
8 toward them I have done what I could to prevent their  
9 occurrence or spread.

10 "99. It was at any rate more clear than ever  
11 in 1941 that th' China Incident must be settled, and  
12 I hoped when I became Foreign Minister that I should  
13 be able to achieve it. At that time the Koain (China  
14 Affairs Board) had been in charge for some years of  
15 all political, economic, cultural and other business  
16 of China (excluding Manchuria); it had its agencies  
17 at various places in China, and negotiations with re-  
18 gional regimes in China were its affair. The creation  
19 of the Koain had opened a new and major phase of  
20 China relations. Its purpose was frankly that of  
21 removing from the Foreign Ministry control, so far  
22 as concerned Chine matters, the normal functions of a  
23 foreign office; the Foreign Ministry's liberal attitude  
24 toward other countries was heresy to the militarists,  
25 who therefore managed to have China affairs confided

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1 to a new organ under their control. The Foreign  
2 Ministry's remaining jurisdiction extended only to  
3 diplomatic negotiations in Nanking -- 'diplomacy in  
4 the narrowest sense' -- and matters pertaining to  
5 the consulates (whose main business was protection  
6 of Japanese nationals in China). Thus the connection  
7 of the Foreign Ministry with Japanese-Chinese relations  
8 was all but severed, and the Ministry had lost its  
9 power to deal with affairs in China. I was, it is true,  
10 as Foreign Minister en ex officio vice-president of the  
11 Koain (others were the Ministers of War, Navy and  
12 Finance); but since the very purpose of the creation  
13 of that body had been the destruction of the Foreign  
14 Ministry's authority vis-a-vis China, the influence of  
15 the Foreign-Ministry vice-president in the Koain was  
16 nothing. As has been pointed out by the prosecution  
17 (13 June 1946, record page 543), the business of the  
18 Koain was conducted almost exclusively by its Director-  
19 General.

20 "100. Manchurian affairs had in the main  
21 been confided for many years to the Taiman Jimukyoku  
22 (Manchurian Affairs Board); I had nothing to do with  
23 that body, and therefore very little to do with Man-  
24 churian affairs. The Foreign Ministry's only connec-  
25 tion with Manchuria was that we maintained the Em-

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bassy in Hsingking and consulates in Harbin, Manchuli,  
1 Heiho, and Mutangchiang, but the functions discharged  
2 by the Foreign Ministry through them were only nego-  
3 tiation with the USSR over Manchoukuoan matters. The  
4 post of Ambassador was held ex officio by the Commander-  
5 in-Chief of the Kwantung Army, and the Foreign Ministry  
6 of course did not control him.  
7

"101. After the commencement of the Pacific  
8 war, the Government of Manchoukuo and Nanking China  
9 cooperated with Japan, without themselves entering the  
10 war. Neither went to war. On the basis of exhibits  
11 Nos. 1214 and 1219 the prosecution assert that the  
12 Japanese Government directed and controlled those two  
13 in their policy toward the war. These telegrams are  
14 submitted in the form of intercepts, and of course the  
15 Japanese translation provided is not the text originally  
16 sent. I do not remember having sent messages of such  
17 content, and the language has not the sound of Foreign  
18 Ministry phraseology; but in any event, if they were  
19 sent by the Foreign Ministry, there is nothing in-  
20 herently sinister in the use of such language as  
21 appears there, for it is customary in diplomatic in-  
22 structions, for simplification of telegraphic language,  
23 to use such terms as 'to have the foreign government  
24 do so-and-so,' or 'The steps to be taken by the foreign  
25

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1 government are.' Similar expressions may be found in  
2 our telegrams to our embassies in "ashington, London  
3 and Moscow.

4 "102. I have mentioned a time or two hereto-  
5 fore that I had consistently opposed the China Inci-  
6 dent from its beginning, and had worked as far as I  
7 could for its early settlement on an equitable basis.  
8 My opposition at the time of the outbreak is already  
9 in evidence (exhibit No. 3260). I was not at that time  
10 in charge of China affairs, but I believed that for the  
11 sake of Japan's international relations generally it  
12 was a matter of urgent necessity to arrest the ex-  
13 pansion of the incident by settling it locally. With  
14 Vice-Minister HORINOUCHI and the Director of the Bureau  
15 of East Asiatic Affairs, ISHII, Itero, I earnestly  
16 advised Foreign Minister HIROTA that he should object  
17 to the dispatch of troops to China, to which he agreed.  
18 But our efforts failed, and the long-drawn-out China  
19 Affair got under way. Later I had worked at the Japan-  
20 ese-American negotiations from the point of view of  
21 arriving at an early settlement of it. Still in war-  
22 time I insisted on this. In March 1942 the question  
23 of the policy for direction of the war was discussed  
24 in the Liaison Conference, and I then pointed out that  
25 in the domestic field the increase of production and

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1 the securing of food, and in the international field  
2 the preservation of Russo-Japanese peace and the prompt  
3 solution of the China Affair, were of primary and  
4 immediate importance. At that time I obtained the  
5 agreement of the Conference to my proposal that the  
6 basic policy vis-a-vis China be examined from all  
7 points of view; but it was subsequently reported by  
8 the Army High Command that although the military  
9 authorities had been examining the military aspects  
10 of the matter, there were many difficulties and no  
11 conclusion had yet been arrived at. The matter failed  
12 to develop thereafter, notwithstanding I seized one  
13 more opportunity to press it. This was in the middle  
14 of July, when former ambassador OTA, Tamekichi, return-  
15 ing from a trip to China, reported to me that Wang  
16 Ching-wei had suggested to him the immediate cessation  
17 of Japanese-Chinese hostilities and general peace be-  
18 tween Japan and China. I reported this to Premier  
19 TOJO with another request for prompt examination of  
20 the China policy.

21 "103. As to the Philippines, Japan declared  
22 as early as January 1942 her intention to accord them  
23 the status of an independent country -- partly as  
24 having inherited the United States' promise that  
25 Philippine independence should be realized by 1946

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1      (exhibit No. 1338-B). So far as concerned my motives  
2      in supporting this policy, they were on the one hand  
3      to demonstrate that we entertained no territorial am-  
4      bition in the South, and on the other to remove one  
5      obstacle to eventual peace with the United States by  
6      manifesting the same intention vis-a-vis those islands  
7      as that of the United States.

8  
9      "104. The only new event during my tenure  
10     of office in the TOJO Cabinet affecting Indo-China  
11     was the military agreement of 9 December 1941 (exhibit  
12     No. 656). This was a measure taken by the military  
13     authorities on the spot, and the Foreign Ministry and  
14     I had nothing to do with it.

15      "105. It was, despite the Imperial Conference  
16     decision, Japan's intention if possible to avoid enter-  
17     ing into belligerency with the Netherlands East Indies.  
18     The Dutch Government, however, declared war against  
19     Japan (record page 11,654) for reasons of her close  
20     relationship with the United States and Great Britain,  
21     and the Dutch Navy was at once reported as carrying  
22     out attacks on Japanese shipping. Japan was therefore  
23     compelled to take hostile measures against the Indies.

24      "106. It was the relations of Japan with  
25     'Greater East Asia' generally which brought about my  
final break with Premier TOJO and my resignation from

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24 'Greater East Asia' generally which brought about my  
25 final break with Premier TOJO and my resignation from

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1 the government. There was a fundamental difference of  
2 outlook between us on the question of these relations.  
3 Japan had long been recognized to occupy in East Asia  
4 the position of stabilizing force; very recently there  
5 had begun to be expounded the idea of a New Order in  
6 East Asia or a Greater East Asia Co-prosperity Sphere,  
7 which originated in such concepts as those of bloc-  
8 economy and Lebensraum. My fundamental policy was  
9 different from that. As will be seen from various  
10 evidences, it was one of establishing good, neighbor-  
11 ly and amicable relations among nations on the basis  
12 of mutual respect for sovereignty and of economic  
13 cooperation. My principle was that Japan, as an ad-  
14 vanced nation of East Asia, should assist the progress  
15 of the countries and regions of East Asia and realize  
16 the prosperity of these countries and of Japan through  
17 peaceful means. This idea of mutual assistance ex-  
18 cluded any policy of exerting control over those  
19 countries by force.

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"107. My speech reporting on foreign affairs to the Diet on 22 January 1942 (exhibit No. 1338-A) was an expression of those principles. Notwithstanding that this speech was delivered soon after the outbreak of the war, it in no way expresses (as will be clear to anyone who reads it) any intention that Japan should annex or exploit any part of East Asia. Of course it is stated that such areas as are absolutely necessary for the defense of East Asia in the war were to be grasped by Japan -- but this is a wartime speech, chiefly concerning war measures. Needless to say, Ambassador Ott's distorted account of this speech (exhibit No. 1271), which for some reason the prosecution chose to introduce in addition to the original document, while it may represent his view, has nothing to do with mine. I wish to point out especially that in the Diet speech I clearly said that the Greater East Asia Co-prosperity Sphere should not be conceived of as an exclusive thing, and that measures to exclude non-Asiatic states from participation in East Asia should not be taken.

"108. In the course of this trial has come to my attention exhibit No. 1333-A, denominated a Foreign Ministry Plan for the Policy on the Disposal of the Southern Areas, dated 14 December 1941. If this extraordinary document was actually drawn in the Foreign

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1 Ministry, it could have been only a draft worked up by  
2 a section chief or a lower official, of the type already  
3 referred to; I never approved it, never saw it nor  
4 heard of it. That it is quite impossible that it should  
5 have been adopted or proposed as Foreign Ministry policy  
6 is demonstrable from the inconsistency of this purported  
7 policy with my proposed policy in the matter which was  
8 finally adopted by the Liaison Conference. After the  
9 Japanese occupation of the southern areas the High Com-  
10 mand had proposed there that for the sake especially of  
11 convenience of execution of military administration the  
12 disposition of those occupied territories be then deter-  
13 mined. Against this suggestion I insisted that such an  
14 important matter should certainly not be decided at  
15 that stage in wartime, when nothing was as yet finally  
16 settled. Premier TOJO agreed with my view, and it was  
17 finally so decided by the Liaison Conference.

18 "109. Confirmation of my true attitude toward  
19 the Greater East Asia question can be found in the mat-  
20 ter of the Greater East Asia Ministry. This question,  
21 which led to my final break with the TOJO Cabinet, had  
22 first come up in May or June of 1942. At that time  
23 there were only rumors that the establishment of a new  
24 ministry was contemplated; but as time went on the  
25 general outlines of the scheme emerged. It appeared

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1 that all outpost agencies in the area of Greater East  
2 Asia (excluding Korea, Formosa and Sakhalin) were to be  
3 placed under the control and supervision of the Ministry  
4 of Greater East Asia; with the exception of matters of  
5 what was called 'pure diplomacy,' all political, economic  
6 and cultural affairs concerning foreign countries in the  
7 Greater East Asia area -- such as Manchukuo, China,  
8 Thailand, French Indo-China, etc. -- were to be placed  
9 in charge of the new ministry. With its establishment,  
10 the Taiman Jimukyoku, the Koain and the Ministry of Over-  
11 seas Affairs were to be abolished. The avowed purpose  
12 of the plan was to place those countries under special  
13 treatment as brother nations, and to contribute to the  
14 attainment of the objectives of the war by carrying out  
15 a general mobilization of material power throughout  
16 Greater East Asia.

17 "110. The creation of the Ministry had been  
18 planned by the four cabinet board presidents, and prin-  
19 cipally by the Planning Board, and by the summer of  
20 1942 conditions had so far developed that there was con-  
21 siderable prospect of its realization. At that time I  
22 had a talk about it with Premier TOJO. I told him that  
23 it was no time to indulge in changes of administrative  
24 structure, the urgent necessity being to establish an  
25 undefeatable position, and expressed my opposition to

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the plan for the reasons that the establishment of the proposed ministry would in practice remove from the Foreign Ministry the essential part of the diplomacy of Japan, thus impairing the unity of Japanese diplomacy, and would injure the pride as independent nations of the other countries in Greater East Asia, with the result that it would become impossible for Japan to maintain friendly cooperation with them. The Premier promised that he would give the matter careful consideration.

"111. On 29 August Mr. HOSHINO, Chief Secretary of the Cabinet, called on me at the direction of Premier TOJO, and handed me a copy of a draft proposal for establishment of the Ministry for Greater East Asia which was on the line above mentioned and was to be submitted to the Cabinet. It was, he told me, the intention of the Premier to present it at the Cabinet meeting of 1 September. I glanced through the proposal which Mr. HOSHINO had handed to me and inquired of him about the meaning of the 'pure diplomacy' which was to be left to the Foreign Ministry. He explained that by 'pure diplomacy' were meant such things as matters of protocol and the formalities relating to the conclusion of treaties. Thus the Foreign Ministry would receive ambassadors of foreign countries, and would sign any treaties concluded, but the Greater East Asia Ministry would conduct all

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1 negotiations. I pointed out the impropriety of the  
2 plan, and requested that its submission be postponed  
3 until the Cabinet meeting of 5 September, so that there  
4 would be enough time to study the proposal. Mr. HOSHINO  
5 left, but called again later, bringing Premier TOJO's  
6 reply that he wanted the plan decided on without fail  
7 at the 1 September meeting. After a dinner on 31 August  
8 I had an opportunity to discuss the matter with Premier  
9 TOJO, and repeated my opposition to the plan, again urg-  
10 ing that its submission to the Cabinet meeting of 1 Sep-  
11 tember be put off. The Premier refused. Thus the plan  
12 came up for decision at the Cabinet meeting of 1 Sep-  
13 tember. At that meeting I explained my opposition some-  
14 what as follows, and we had a discussion which lasted  
15 for three hours in the morning. I had four grounds of  
16 objection to the proposal.

17 "112. First of these was that under the pro-  
18 posed plan the foreign policy of Japan would be in the  
19 hands of two different ministries, according as it re-  
20 lated to Greater East Asia or to the rest of the world.  
21 Such an arrangement would render it impossible for  
22 Japan to conduct a unified and consistent diplomacy, and  
23 neither the Foreign Ministry nor the Ministry of Greater  
24 East Asia would be able to function properly.

25 "Secondly, the countries of Greater East Asia,

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because of being treated differently from other foreign countries, would entertain distrust and suspicion of Japan, and their pride would be hurt. Any treatment of this sort is certainly contrary to the spirit of respecting the independence of other countries.

"Thirdly, the proposed plan meant the extension of the jurisdiction of the Koain, which had excited ill-feeling among the Chinese people, and it would thus be a failure.

"Fourthly, it was urgently necessary to concentrate our efforts toward the execution of emergency measures, and it was not the time to undertake the changing of the administrative structure.

"113. Against my assertions Premier TOJO argued that the Greater East Asia countries had to be treated differently from other countries, as relations between Japan and the countries of Greater East Asia were like those of kin. General SUZUKI, President of the Planning Board, contended that the Koain had not been a failure. I retorted that it was a fact well known to everyone that it had been a failure. A few other cabinet ministers expressed themselves, but none came to my support. The cabinet meeting took a recess with the discussion unfinished. During the recess Premier TOJO asked me for my individual resignation, but I refused

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1 it, saying that it was the Premier and the other sup-  
2 porters of the plan, not I, who should reconsider the  
3 matter. I considered it necessary from the viewpoint of  
4 the general war-guidance policy to persist in my stand  
5 to force out the TOJO Cabinet.

6 "114. Soon thereafter, Finance Minister KAYA  
7 called on me to ask my reconsideration. Subsequently,  
8 General SATO and Admiral OKA, Directors of the Military  
9 and Naval Affairs Bureaus, together visited me. They  
10 said that the plan for the establishment of the Greater  
11 East Asia Ministry was supported equally by the army and  
12 the navy, and requested me once more to agree to the plan.  
13 I again refused altogether. Finally, Navy Minister  
14 SHIMADA came to me and said that a change of cabinet was  
15 not desired by the Court, and that he would work for a  
16 compromise solution if one was possible. After exchang-  
17 ing views with him, I presented my final plan of compro-  
18 mise. Navy Minister SHIMADA left, but later returned  
19 and conveyed to me the information that Premier TOJO did  
20 not accept the compromise plan. I had never expressed  
21 any intention to make an individual resignation, but  
22 had been making efforts with the determination to do  
23 everything possible for the attainment of my purpose.  
24 In view, however, of the talk with Navy Minister SHIMADA,  
25 I decided to and did tender my resignation, out of a

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desire not to cause annoyance to the Emperor by further  
1 complicating the matter, and retired on the same day,  
2 1 September.

"115. As a result of my resignation of office  
3 Premier TOJO became concurrently Foreign Minister, and  
4 the plan for the establishment of the Ministry for  
5 Greater East Asia was thus decided upon at the cabinet  
6 meeting of 1 September. The government had intended the  
7 new ministry to commence functioning as of 1 October.  
8 My resignation, however, aroused public opinion, and it  
9 was not until 9 October that the Privy Council began  
10 examination of the plan. There followed sharp arguments  
11 between the Privy Council and the Government over the  
12 plan, as seen in exhibit No. 687; the Privy Council  
13 even suggested to the Government that it withdraw the  
14 proposal, but Premier TOJO and the other supporters of  
15 the plan refused. On 24 October the Examination Com-  
16 mittee of the Privy Council adopted the plan by a major-  
17 ity vote (Privy Councillor ISHII being absent). At the  
18 meeting of the full Privy Council which followed also  
19 there was much controversy over the plan before it was  
20 passed by a majority, with Councillors ISHII and MINAMI  
21 dissenting. Finally, the Ministry was inaugurated on  
22 1 November.  
23

"116. I learned later that with regard to the

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scope of 'pure diplomacy' the Government had decided to  
1 make the necessary definition in the cabinet, leaving  
2 the regulations governing the functions of the ministries  
3 concerned without any provisions on this point, and that  
4 this also had been explained to the Privy Council. But  
5 the 'pure diplomacy' defined by the cabinet understand-  
6 ing upon the establishment of the Greater East Asia  
7 Ministry was somewhat wider than the plan shown to me  
8 at the cabinet meeting of 1 September, as a result of  
9 the opposition of the Foreign Ministry and the criticism  
10 expressed by the Privy Council.  
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"117. At the Cabinet meeting of 1 September civilian members of the Cabinet also had supported the Greater East Asia Ministry proposal. Later I learned that they were not necessarily in opposition to my position, but were of opinion that a change of cabinet at that time was to be avoided. As I have said before, however, I had by that time come to the conclusion that the TOJO Government, somewhat intoxicated by the initial victories of the war, was paying no serious consideration to preparations for the conduct of the war; that some within the Cabinet felt that there was no need of diplomacy in the management of external affairs; and that in general the Government's policies were being executed in a very superficial manner. I considered the Greater East Asia Ministry proposal an expression of such tendencies of the TOJO Cabinet, and it was my conviction that at that opportunity it should be replaced. Despite my strong opposition to the Greater East Asia Ministry, for this and other reasons already mentioned, I could not change the current singlehanded; but events were already justifying my view, for the battle of Guadalcanal had deteriorated, not to mention the sea battle off Midway, and the road to defeat was already plainly marked out.

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"118. As I have said, I retired from the government service at the time of my resignation of the Foreign Ministership and remained in retirement until I was again appointed to the position on 9 April 1945. Notwithstanding the fact that during my second term I held concurrently the ministership of Greater East Asia, my connection with Greater East Asiatic affairs from then until my quitting office on 17 August of the same year was slight; partly because I was chiefly occupied with the problem of ending the war, partly because almost all authority over matters relating to East Asiatic countries had by then been transferred to the military ministries. A word first, however, as to how I came to accept the portfolio of Greater East Asia Affairs notwithstanding that I had bitterly opposed the creation of that ministry. It was my desire and intention when I could to see the Ministry of Greater East Asia abolished; meanwhile, by holding the two portfolios concurrently I could let it die of inanition, and did. As Minister for Greater East Asia Affairs I did nothing.

"119. The continuity of my attitude toward the countries of East Asia can be seen in the decisions of the Greater East Asia Ambassadors' Conference held in Tokyo on 23 April 1945, decisions adopted in

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1 accordance with my proposals and with the consent  
2 of the Governments of the countries represented as  
3 the guiding principle for the establishment of the world  
4 order (defense document No. 2931). The principles here  
5 spoken of are 1) establishment of political equality  
6 of nations and avoidance of racial discrimination;  
7 2) respect for national independence and non-interfer-  
8 ence in domestic affairs; 3) freedom for colonial  
9 subject peoples; 4) economic reciprocity and equality;  
10 5) exchange of cultures; 6) prevention of aggression;  
11 7) the establishment of the international order by  
12 means of both regional and universal security systems.  
13 This plan, I venture to believe, is not essentially  
14 different from that later developed by the United  
15 Nations at San Francisco.

16 "120. By the time of my second assumption  
17 of the Foreign Ministership in April 1945 there was  
18 almost nothing for even the Greater East Asia  
19 Ministry to do in connection with the countries of  
20 East Asia. Although its jurisdiction did include  
21 some matters relative to occupied areas, those were  
22 not matters of administration actually but only of  
23 rendering assistance to the Army and the Navy, which  
24 conducted the administration, by training officials in  
25 Japan to be sent to the occupied area. In Burma and

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the Philippines (which had declared their independence  
1 during my retirement) the military commander was in  
2 control not only of military affairs but also of the  
3 guidance of internal politics, because it was consid-  
4 ered to be inseparably related to the conduct of the  
5 war. Thus while the ambassadors to those countries han-  
6 aged diplomatic affairs under the direction of the  
7 Minister for Greater East Asia, they were interfered  
8 with even within the scope of their jurisdiction by  
9 the military commanders. The same was true of the  
10 ambassador to Indo-China; despite the different  
11 status of that country, the ambassador could not act  
12 against the will of the military commander. In addi-  
13 tion the war situation had so deteriorated that in  
14 most of those countries we no longer even had function-  
15 ing ambassadors. Burma, for example, had been par-  
16 tially reoccupied and our ambassador had escaped  
17 from Rangoon to the interior, where communication  
18 between him and Tokyo was so nearly impossible that  
19 it was impossible even to learn conditions there. The  
20 Philippines likewise had been lost by Japan, and there  
21 was no possibility of our conducting diplomatic func-  
22 tions. The various 'plans' submitted by the prosecution  
23 for the disposal of British Malay, involving the  
24 annexation by Japan of part of that territory

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(exhibits Nos. 1333A and 1334-1336) were never  
1 approved or known by me during either of my terms as  
2 Foreign Minister.

3           "121. The changed conditions occurring in  
4 French Indo-China in March 1945 (exhibits Nos. 661-  
5 664) preceding my assumption of office, I had nothing  
6 to do with. As a result of this change, Indo-China  
7 was placed under the exclusive jurisdiction of the  
8 military authorities, and the Embassy was closed in  
9 March and the Ambassador returned to Japan in the  
10 following month. From that time, of course, the  
11 Greater East Asia Ministry had nothing to do with  
12 affairs of French Indo-China. At the Greater East  
13 Asia Ambassadors' Conference mentioned above, a  
14 resolution was adopted on the motion of the Thai  
15 Ambassador that full support be given to the movement  
16 for independence, then recently declared, in Annam,  
17 Cambodia and Luang Phrabang. It was the unanimous  
18 desire of the countries of East Asia that all the  
19 peoples thereof have their independence, which was  
20 in conformity with the policy of Japan. The same may  
21 be said of the resolution adopted at the same time  
22 relative to the status of the Netherlands East Indies;  
23 I again in fact emphasized in July at the Supreme  
24 Council for Guidance of the War the necessity for our

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1 assisting the Indonesians to the independence,  
2 thus to demonstrate that we had no territorial  
3 aspirations in that area.

4 "122. Lastly, among wartime questions, is  
5 that of prisoners of war. The Foreign Ministry's  
6 connection with this matter commenced when, in  
7 January 1942, notes from the British and American  
8 Governments were received through the Swiss Govern-  
9 ment requesting advice whether Japan would agree to  
10 reciprocal application of the Geneva Convention of  
11 1929 regulating treatment of prisoners of war. Japan  
12 was not a signatory of that Convention; but I felt that  
13 Japan should--and assumed that she would--out of  
14 humanitarian considerations, agree to application of  
15 it so far as was reasonably possible. The decision,  
16 however, was not for the Foreign Ministry to make.  
17 The Tribunal has heard full explanation of the ques-  
18 tion of responsibility for prisoners of war in the  
19 Japanese system; I wish, however, to mention one  
20 additional point to clarify the very limited responsi-  
21 bility of the Foreign Ministry in this matter. The sum  
22 of responsibility for management of matters relating to  
23 prisoners of war resides in the Prisoners-of-War Manage-  
24 ment Bureau and the Prisoners-of-War Information Bureau.  
25 The former being a War Ministry bureau, no responsibility

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for its management of prisoners accrues to the  
1 Foreign Ministry. The latter, however--which is the  
2 bureau responsible for giving information in answer  
3 to protests and inquiries--is one especially created  
4 by Imperial Ordinance in time of war. When action is  
5 taken by exercise of the Imperial Ordinance power, the  
6 Ordinance is countersigned by the ministers who have  
7 responsibility in the matter (defense document No. 2924).  
8 The ordinances establishing the Prisoners-of-War  
9 Information Bureau, at the time of not only the Pacific  
10 war but also of the World War, are countersigned by  
11 Ministers of War and Navy, but not by the Foreign  
12 Minister (defense documents Nos. 2924 and 2934). It  
13 is the War Ministry which is the responsible authority.  
14

"123. The inquiries from the United States  
15 and Britain were therefore referred in the normal course  
16 by the Foreign Ministry Treaty Bureau, which managed  
17 such matters, to the War Ministry, as the ministry em-  
18 powered to decide the question. The answer which came  
19 back (exhibit No. 1958) was that we should undertake to  
20 apply the terms of the Geneva Convention 'mutatis  
21 mutandis,' and it was therefore so replied to the  
22 Governments inquiring (exhibits Nos. 1469 and 1496).  
23 Although the prosecution seems to consider that by the  
24 giving of this answer Japan became bound by the

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1 Convention to the same extent as if she had ratified  
2 it, I assumed (and still assume) that we were binding  
3 ourselves only to apply the Convention so far as  
4 circumstances permitted. 'Mutatis mutandis,' then, I  
5 supposed to imply that in the absence of serious  
6 hindrances the Convention would be applied (exhibit  
7 No. 3039); I assumed also (although this was only  
8 assumption on my part) that where the requirements of  
9 the Convention came into conflict with the provisions  
10 of domestic law the former would prevail. If this  
11 proved to be a mistaken assumption, neither War nor  
12 Navy Ministry ever suggested any other interpretation  
13 to me, nor does the War Ministry's reply to our request  
14 for a statement of policy suggest it. In any event,  
15 knowing the high reputation which Japan had gained by  
16 her humanitarian treatment of prisoners of war in both  
17 Russo-Japanese and World Wars, I took it for granted that  
18 those precedents would be followed (this consideration  
19 also perhaps influenced me later, when we began to re-  
20 ceive Allied protests of mistreatment, to accord less  
21 credit to the Allied claims than might have been the  
22 case had history been different, and to go to the War  
23 Ministry direct or through my subordinates, fully confi-  
24 dent that steps would be taken to correct abuses if any  
25 existed).

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1        "124. I should like to emphasize, also, that  
2        the Foreign Ministry received and answered the protests  
3        and inquiries regarding prisoners of war only as a  
4        channel of communication, not as the responsible  
5        agency. The answers returned were not in fact prepared  
6        in the Foreign Ministry, but were those given to us  
7        by the Prisoners-of-War Information Bureau; but the  
8        Foreign Ministry was the only place to which corres-  
9        pondence from foreign governments could come, and from  
10        which answers could go--there was nowhere else that  
11        the correspondence could go.

12        "125. Little question concerning prisoners  
13        of war arose during my first term as Foreign Minister.  
14        I recall the case of Hong Kong--when in the spring of  
15        1942 Foreign Minister Eden was reported to have made a  
16        speech charging the Japanese Army with atrocities  
17        after the capture of the city. At that time I said  
18        to War Minister TOJO that special attention should be  
19        paid to treating prisoners of war kindly, and for that  
20        matter to preserving the name of the Japanese Army from  
21        disgrace. He sympathized with my viewpoint, and said  
22        that he would give due attention to the matter; and  
23        soon after I was pleased to hear that Mr. Eden had made  
24        a radio broadcast to the effect that the situation in  
25

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Hong Kong had improved.

1        "126. A more active question during my  
2        first term was that of exchange of enemy nationals.  
3        It was my idea that not only should diplomatic person-  
4        nel be exchanged, in the usual way, but also that  
5        civilian internees of British and American nationality  
6        should be repatriated. This was difficult to achieve;  
7        it involving the allocation of shipping bottoms and  
8        facilities, the High Command was reluctant to agree,  
9        and only after considerable insistence on my part were  
10      the exchanges brought about, as had been testified  
11      to (defense document No. 2916). We succeeded thus in  
12      returning to their homes some thousands of enemy  
13      nationals, not only from Japan proper but as well  
14      from China, Manchoukuo, French Indo-China and Thailand.  
15

16        "127. During my second term as Foreign  
17      Minister, toward the spring and summer of 1945, the  
18      situation of the Japanese Army on the front in the  
19      Philippines, Burma, and other Southern districts  
20      deteriorated extremely. There was already a large  
21      accumulation of prisoner-of-war matters on hand when  
22      I took office; and as the Allied forces advanced in  
23      various districts of the South, protests began to be  
24      lodged concerning the treatment accorded by the Japanese  
25      Army to the prisoners of war and internees in these

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region. In these days, Japan itself being subject  
1 to severe air raids, the Ministers of the neutral  
2 countries representing the interests of enemy  
3 countries had moved to Karuizawa and communication  
4 with them accordingly became very difficult. In  
5 spite of these difficulties, under my instruction, the  
6 Foreign Ministry transmitted these protests and in-  
7 quiries to the competent authorities and did not fail  
8 to convey all the replies that were received from the  
9 competent authorities concerned. We often sent and  
10 received personal letters, or sent officials to Karui-  
11 zawa, in addition to the exchange of official notes,  
12 thus exercising all possible efforts to meet the  
13 situation. So far as I am aware there was never any  
14 neglect by the Foreign Ministry of its duty in the  
15 matter, which was the transmitting of the protests or  
16 inquiries received from the Allied countries to the  
17 Japanese authorities concerned, and the sending to the  
18 former of the replies received. The Foreign Ministry,  
19 despite having no power over prisoners of war, repeat-  
20 edly requested the authorities concerned to do their  
21 best to accord fair and generous treatment to the  
22 prisoners of war. On 3 June 1945, when the Swiss  
23 Minister handed me a protest of the United States  
24 Government concerning atrocities to American prisoners  
25

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1 of war at Puerto Princessa on Palawan Island  
2 (exhibit No. 2107), I personally called the special  
3 attention of War Minister ANAMI to the subject and  
4 urged him to accord fair and generous treatment to  
5 prisoners of war in general, to which he consented.  
6 In spite of these efforts, however, conditions had  
7 become such that provision of information satisfactory  
8 to the Allied countries was impossible. On this  
9 point, it was explained by the military authorities  
10 that, as the result of the defeat of the Japanese  
11 Army, telegraphic communication between the central  
12 military authority and the forces at the front had  
13 become very difficult and often impossible and that  
14 even when such communication was possible, the con-  
15 fusion within the Japanese forces at the front  
16 rendered investigation into the matters almost impos-  
17 sible. The Foreign Ministry, having neither juris-  
18 diction nor means of investigation of these problems,  
19 could do nothing beyond conveying communications from  
20 one party to the other. I wish to add that the Foreign  
21 Ministry received no information whatever concerning  
22 the trials of Allied fliers, such as those which took  
23 place in the middle of July 1945.  
24  
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1                 "128. The Foreign Ministry, under my  
2 direction, constantly attempted, despite its purely  
3 liaison function in the prisoners-of-war business,  
4 to ameliorate the condition of the prisoners. In  
5 some ways we succeeded; especially in so far as con-  
6 cerned Japan Proper, conditions were relative good.  
7 We could not, of course, meddle with matters under  
8 military jurisdiction, and, could only urge the  
9 military authorities to be humane; this was done  
10 repeatedly. If only from self-interest, this would  
11 have had to be the position of the Foreign Ministry;  
12 for we had some hundreds of thousands of our nationals  
13 in enemy countries for the amelioration of whose lot  
14 we were responsible, and there was a self-evident  
15 correlation between the two questions.

16                 "129. With the truth or falsity of the  
17 replies furnished by the Army (or, in a few cases,  
18 by the Navy) to inquiries from enemy countries, the  
19 Foreign Ministry had nothing to do. I, as Foreign  
20 Minister, had no personal contact with the matter of  
21 inquiries and answers, which were purely routine  
22 liaison work so far as the Foreign Ministry was con-  
23 cerned. But regardless of who actually managed the  
24 business, no one of the Foreign Ministry could do  
25 more than forward the answers received from the

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1 military authorities. We had neither the right nor  
2 the facilities to inspect camps, and we could have  
3 done nothing had we had reason to doubt the truth  
4 of the answers -- which, in the absence of oppor-  
5 tunity to inspect conditions, we had not.

6 "VI.

7 "The SUZUKI Cabinet and the Ending of the  
8 War.

9 "130. My entry into and service in the  
10 SUZUKI Cabinet can be said to have had only one  
11 purpose: ending the war. Before treating of my  
12 activities during this period, therefore, I shall  
13 give a brief description of my previous efforts in  
14 the direction of peace, which form the background  
15 to my efforts in this period.

16 "131. My various efforts to bring the war  
17 to the earliest possible end were the continuation  
18 and extension into war-time of my opposition to the  
19 war before its start. These efforts therefore began  
20 at once after 8 December 1941. I have already ex-  
21 plained fully the state of my mind at that time --  
22 that I did not share the over-optimism or the  
23 illusions of most Japanese and believed that it would  
24 be extremely difficult to overcome the fighting spirit  
25 and the industrial productivity of America and Great

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1 Britain; that I did not doubt that from the Japanese  
2 point of view the war had to be ended as quickly as  
3 possible if it were not to end in complete disaster;  
4 and that I still believed that if it became a long  
5 drawn out war, there would be no real victor, both  
6 sides being exhausted and the world as a whole being  
7 as impoverished, dispirited and in distress as the  
8 belligerents. On New Year's Day of 1942 I took the  
9 opportunity of the occasion to address an instruction  
10 to the staff of the Foreign Ministry to suggest this  
11 idea, elucidating the inter-relationship between war  
12 and diplomacy, the task of diplomacy at war; I told  
13 them that, though the prevailing tendency was to  
14 neglect diplomacy -- which was very short-sighted --  
15 diplomacy would only gain in importance as the war  
16 progressed. We should therefore, I said, study and  
17 make preparation to end the war, lest we should fail  
18 to seize the chance when it did come.

19 "132. Although it would be difficult to  
20 bring about the termination of a war which had en-  
21 compassed the whole world, I thought that there was  
22 some possibility offered by the idea of a Russo-  
23 German peace, which might give a beginning to the  
24 movement toward general peace. Therefore, when I had  
25 a conversation with Soviet Ambassador Smetanin in

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1 February, I told him that the relations between our  
2 two countries were like a bright spot in a troubled  
3 stormy sky, and that I desired to enlarge and extend  
4 this spot to cover other regions with the aim of  
5 restoring peace throughout the entire world -- which  
6 was an added reason for the necessity of maintaining  
7 neutrality between the USSR and Japan. I also di-  
8 rected Ambassador SATO in Kuibyshev to prepare the  
9 ground for such steps in order not to miss the chance  
10 when an opportunity should present itself, concerning  
11 which he would be instructed later. My resignation  
12 from the TOJO Cabinet prevented any development of  
13 this plan.

14 "133. Although out of office from September  
15 1942 to April 1945, and in no position in the govern-  
16 ment, I expressed my opinion to various persons that  
17 the war had to be ended promptly. For example, in  
18 November 1944 I happened to have a conversation with  
19 General UMEZU, then Chief of the Army General Staff,  
20 to whom I said that the war shculd be ended, perhaps  
21 by first arranging for the termination of the Soviet-  
22 German war. (General UMEZU agreed, and said that  
23 although the government had failed to do anything  
24 he would continue to work for this idea.)

25 "134. On 8 April 1945 I received in

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Karuizawa, where I was then living, a request from  
1 Admiral SUZUKI, the Premier-Designate, to come to  
2 Tokyo to see him. Accordingly I returned to Tokyo  
3 that evening, and called on Admiral SUZUKI, who  
4 asked me to become Foreign Minister in his cabinet.  
5 my earnest desire being to bring about peace promptly,  
6 I considered that, for this purpose, it was necessary  
7 that the Premier share with me not only the desire  
8 for prompt peace but also the estimate of the war  
9 situation and its prospect. I therefore asked his  
10 view on the prospect of the war before giving him my  
11 answer to his request. However, having heard him state  
12 his estimate of the war situation, which differed  
13 from mine, although I found him sincere and earnest  
14 for prompt peace, I felt that I could hardly accept  
15 the responsibility of directing diplomacy unless we  
16 had identical opinions on the prospect of the war,  
17 and left, telling him so. I soon received earnest  
18 and serious persuasions from many quarters to enter  
19 Admiral SUZUKI's Cabinet and enlighten him on the  
20 matter: Admiral OKADA; Mr. MATSUDAIRA Tsuneo and  
21 Mr. HIROTA Koki, seniors of the diplomatic service;  
22 Marquis MATSUDAIRA Yasumasa, Private Secretary to  
23 the Lord Keeper of Privy Seal; SAKOMIZU Hisatsune,  
24 Chief Secretary of the Cabinet, urged me to accept the

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1 post. After another talk with Admiral SUZUKI at which  
2 I reiterated my views, he agreed to them, as a result  
3 of which I accepted the appointment.

4 "135. Upon becoming Foreign Minister, my  
5 chief concern was how to realize my long-cherished  
6 desire, prompt restoration of peace. Shortly after  
7 taking office, I received a call from our Minister  
8 to Finland, SAKAYA Tadashi, who told me that some  
9 arrangement had been made between my predecessor, Mr.  
10 SHIGEMITSU, and the Swedish Minister, Mr. Bagge,  
11 according to which the Swedish Government would, on  
12 its own initiative, sound out the American peace terms  
13 and inform us. Minister SAKAYA asked my opinion of  
14 this plan. I replied that it was the first time that  
15 I had heard anything about it, but that such services  
16 by Minister Bagge and his Government would be very  
17 much appreciated by me, inasmuch as I was eager for  
18 an early peace. I instructed him to convey to Mr.  
19 Bagge my words to that effect. Nothing came of  
20 this scheme, however, and in fact an attempt in  
21 another direction was begun soon, that of securing  
22 Soviet mediation for peace.

23 "136. As early as 1942, as I have already  
24 stated, I had attempted to bring about world-peace,  
25 using the good relations between Japan and the USSR

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1 as a starting point, but the situation had greatly  
2 changed since that time. On 5 April 1945 -- shortly  
3 before I became Foreign Minister -- the Soviet  
4 Government had given notice of abrogation of the  
5 Neutrality Pact, though it had by its terms still  
6 more than a year to run. Immediately upon my  
7 assumption of office I received requests from mili-  
8 tary and other quarters to make efforts for coopera-  
9 tion with the USSR, but it seemed to me that it was  
10 too late, and I therefore warned them that the possi-  
11 bility of Russia's having concluded an agreement with  
12 Britain and the United States for division of the spoils  
13 of the war had to be taken into consideration, and I  
14 carefully watched the world situation with a view to  
15 seizing a good opportunity for the restoration of  
16 peace.

17 "137. Toward the end of April, the defeat  
18 of Germany became an accomplished fact, and in the  
19 beginning of May the Doenitz regime surrendered  
20 unconditionally. I considered that this surrender  
21 provided an opportunity to achieve the ending of the  
22 war, and therefore, in early May, when I reported to  
23 the Emperor on the causes of the defeat of Germany,  
24 among which air raids were one of the major factors,  
25 I took the opportunity to add that now that air raids

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on Japan were becoming severer we should promptly  
1 bring the war to an end. I advised the Premier to  
2 the same effect, and urged him to convene a meeting  
3 composed only of the principal members of the  
4 Supreme Council for the Direction of War. The  
5 reasons for this were that the ordinary meetings, in  
6 which the secretaries participated, had a tendency  
7 to be formal and adopt a strong stand, and there was  
8 also danger of leakage of secrets to the lower mili-  
9 tary ranks through such meetings. My advice was  
10 adopted and the principal members of the Supreme  
11 Council met three times in the middle of May.  
12 (General UMEZU can also claim some credit for bring-  
13 ing about the meetings in this form.) At the meeting  
14 of 14 May, after much discussion it was agreed that in  
15 view of the war situation and events abroad, Japan  
16 should realize a speedy termination of the war. As to  
17 the measures to be adopted, it was further agreed that,  
18 although an approach through the Chungking regime or  
19 negotiations through such neutrals as Switzerland or  
20 Sweden could be considered, it was clear that an  
21 approach through such countries would end in the  
22 American demand for unconditional surrender; and that  
23 therefore the only way was to request Soviet mediation,  
24 although that too might be too late in view of the  
25 world situation.

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"138. The policy thus being decided, I requested Mr. HIROTA to have a talk with Mr. Malik, the Soviet Ambassador, to feel out the Soviet reaction. They met several times in June, at Gora, Hakone. These conversations, Mr. HIROTA informed me, were productive of a friendly atmosphere. Meanwhile, on 6 June a meeting of the Supreme Council for Direction of the War was suddenly called, and on 8 June an Imperial Conference was held. I stated on that occasion that the international situation was so unfavorable for us, and that war-time diplomacy was to so great an extent under the influence of the war situation, that we were likely to find ourselves in a position of extremely great difficulty. The war situation continued to deteriorate.

"139. On the other hand, on several occasions since April I had explained my views on the necessity of ending the war quickly to the Lord Keeper of the Privy Seal, who informed me on 15 June that it was the Emperor's wish to see an early end of the war, and said that it was necessary to request Soviet mediation to gain an honorable peace even if the price was high, lest it become too late. On 18 June a meeting of the chief members of the Supreme Council was held, and after deliberation, an agreement was reached to the

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effect that proper measures for ending the war should  
1 be expedited, in view of the war situation. Accord-  
2 ingly, I reported the developments to Mr. HIROTA and  
3 urged him to speed up his conversations with the Soviet  
4 Ambassador. On the following day I reported to the  
5 Throne the measures taken regarding the U.S.S.R. and  
6 the mission entrusted to Mr. HIROTA; the Emperor ex-  
7 pressed his desire for an early ending of the war  
8 without fail, in spite of the great difficulties, to  
9 which I replied that I would exert myself to the ut-  
10 most, doing everything in my power. On 22 June the  
11 Emperor called into his presence the chief members of  
12 the Supreme Council and expressed his wish that each  
13 of us there assembled should exert his efforts toward  
14 bringing the war to an end. It was about this time  
15 that I learned that the heads of state of the United  
16 States, Great Britain and China were soon going to meet  
17 at Potsdam in a conference in which the Soviet chief  
18 also would be taking part, and I wanted the Soviet  
19 Government to be informed of the Emperor's wish for  
20 an early peace before such a conference should take  
21 place. I sent instructions therefore to Ambassador  
22 SATO to convey the Emperor's wish to the Government of  
23 the U.S.S.R. (exhibit No. 2696). Our intention to dis-  
24 patch a special mission was also communicated to Moscow.

TOGO

DIRECT

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The Soviet reaction, however, was not favorable.

"140. On 26 July the Potsdam Declaration was issued by President Truman, Prime Minister Churchill and Generalissimo Chiang. At a meeting of the Supreme Council of the following day, I pointed out that the Declaration offered in effect a peace on terms, and that serious consequences would follow if we rejected it. It was therefore agreed that we should wait and learn the Soviet reaction to the proposal for mediation. At the Cabinet meeting that afternoon the same explanation was given, and it was agreed that the Declaration should be passed without comment and the press be guided not to play it up, in order to guard against unfavorable public reaction to it. The press unfortunately reported the Premier's statement that the government had decided to 'ignore' the Declaration, which was interpreted in the United States and elsewhere as a rejection and was used by President Truman as justification for the use of the atomic bombs, and by the U.S.S.R. as reason for entering the war against Japan.

"141. On 6 August the atomic bomb destroyed Hiroshima, and warning was served that the United States would drop the bombs until Japan was annihilated if she persisted in her rejection of the Potsdam Declaration.

TOGO

DIRECT

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I instructed Ambassador SATO to press for an interview  
1 with Foreign Minister Molotov, at least to clarify the  
2 situation. The request by the Ambassador was not ac-  
3 ceded to by the Soviet Government, and although Mr.  
4 Molotov returned to Moscow on 5 August, it was not  
5 until the 8th that Ambassador SATO was notified that  
6 Mr. Molotov would receive him at 5 p.m. of that day  
7 (exhibit No. 2705). After that we received no communi-  
8 cation from our ambassador. But in the morning of the  
9 9th I received from the radio room of the Foreign  
10 Ministry an urgent report that it had been broadcast  
11 from Moscow that Mr. Molotov had handed to Ambassador  
12 SATO a declaration of war against Japan. Hostilities  
13 were also reported from Manchukuo to have commenced  
14 at midnight preceding. At 11:15 a.m. of the 10th I  
15 received Soviet Ambassador Malik at his request and re-  
16 ceived from him the first formal communication from  
17 his government notifying the declaration of war against  
18 Japan. Having mentioned to him the Soviet commencement  
19 of war when the Neutrality Pact was still in force, and  
20 when the Soviet Government had not yet replied to  
21 Japan's request for mediation between Japan and the  
22 Allied Powers, I asked him to transmit to his government  
23 our reply relative to the Potsdam Declaration.

"142. The situation having thus become very

TOGO

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1 serious, a meeting of the Supreme Council was held at  
2 11 o'clock that morning. All members recognized the  
3 difficulty of continuing the war after the use of the  
4 atomic bomb and the Soviet entry into the war, and  
5 no one in the Council expressed objection to acceptance  
6 in principle of the Potsdam Declaration. Various  
7 opinions, however, were expressed regarding the condi-  
8 tions upon which it was to be accepted; all agreed that  
9 the preservation of the fundamental structure of the  
10 state should be made a condition, but the Army and Navy  
11 High Commands and the War Minister wished to add three  
12 more conditions: a) that the Allied forces would  
13 refrain so far as possible from occupying the mainland  
14 of Japan, and that if occupation was unavoidable it  
15 would be on a small scale and would exclude Tokyo; b)  
16 that the disarming of the Japanese forces should be done  
17 voluntarily by the Japanese themselves; c) that the  
18 punishment of war criminals should be entrusted to the  
19 Japanese themselves. No agreement could be reached, and  
20 the meeting was adjourned. A Cabinet meeting in the  
21 afternoon was no more able to agree, though most of  
22 its members agreed with me that the condition for accept-  
23 ing the Potsdam Declaration should be limited to the  
24 absolutely necessary one of preserving the fundamental  
25 structure of the state. The matter was discussed that

TOGO

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night when the Supreme Council and the President of the  
1 Privy Council met in the presence of the Emperor, at  
2 his command. I repeated my previous statement and  
3 strongly urged the acceptance of the Potsdam Declaration  
4 without any condition excepting that of the preserva-  
5 tion of the fundamental structure of the state, but  
6 there were various opinions demanding other conditions  
7 and insisting on their necessity. Finally the Emperor  
8 expressed accord with my views and the wish that the  
9 Potsdam Declaration be accepted to relieve the suffer-  
10 ings of mankind and to save the country from ruin.  
11 The decision having been given, a Cabinet meeting was  
12 held thereupon at 3 a.m., and our answer was unanimously  
13 approved by the Cabinet. Accordingly I ordered the  
14 Minister in Switzerland to transmit it to the United  
15 States and China through the Swiss Government, and the  
16 Minister in Sweden to transmit it to the U.S.S.R. and  
17 Great Britain through the Swedish Government (exhibit  
18 No. 3).  
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TOGO

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"143. Trouble arose again, however, when the  
1 contents of the reply from the four Governments to the  
2 Japanese Government became known to us. I learned of it  
3 for the first time from the Foreign Ministry radio room,  
4 and finding the phraseology somewhat unclear, instructed  
5 the officials of the Ministry to study the text. They  
6 reached the conclusion, after studying it carefully,  
7 that it could be interpreted as being generally in con-  
8 formity with our understanding that the Potsdam Declara-  
9 tion did not imply a requirement of a change in the  
10 fundamental structure of the state, and that we should  
11 accept the Potsdam Declaration without proposing any  
12 further conditions, unless we were prepared to face and  
13 resolved to accept the breakdown and collapse of our  
14 peace efforts. Meetings of the Cabinet and the Supreme  
15 Council were held to consider this reply of the four  
16 Governments. Stating my views in these meetings, I  
17 strongly advised the acceptance of the Declaration with  
18 no further representations; but there was strong oppo-  
19 sition by the group led by the Minister of War, insisting  
20 that the reply was unsatisfactory and unacceptable, and  
21 that further negotiations should be attempted. In these  
22 circumstances a conference was again called in the  
23 presence of the Emperor in the morning of the 14th. Again  
24 the conference could not reach a decision. At last the

TOGO

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Emperor himself stated that we must accept the Declaration,  
1 that the polity and the existence of the Japanese  
2 nation should be preserved and the sufferings and hard-  
3 ships of mankind be alleviated. At 1 p.m. a cabinet  
4 meeting was held, and subsequently the Imperial Rescript  
5 accepting the Potsdam Declaration was promulgated. The  
6 acceptance was communicated to the Allied Powers through  
7 the Swiss Government in the morning of the 15th.  
8

"144. The grave decision to end the war having  
9 been made, Premier SUZUKI called a meeting of the  
10 Cabinet on the 15th, at which he proposed the resignation  
11 en bloc of the Cabinet for the reason that he had much  
12 troubled the Emperor by having to request his decision,  
13 and that someone else should replace him. All agreed,  
14 and the resignations were submitted to the Emperor. On  
15 the following day Prince HIGASHIKUNI called me and re-  
16 quested me to remain as Foreign Minister in the Cabinet  
17 which he was forming, but I refrained from accepting it  
18 on the ground that the reason for Admiral SUZUKI's resig-  
19 nation applied equally to me.  
20

"145. As I have testified above, I had striven  
21 throughout my career to see Japan maintain friendly and  
22 peaceful relations with the world, and had exerted every  
23 possible effort in the last critical months to improve  
24 relations with the United States, Britain, China and the  
25

TOGO

DIRECT

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1 other powers and to avert the Pacific War. At last I  
2 was driven into a position where, as I saw it, conditions  
3 no longer permitted me to oppose war, and I failed. But  
4 from the day of the outbreak of the war I devoted my-  
5 self with special care to bringing about as speedily as  
6 possible the end of the war; and after becoming Foreign  
7 Minister in April 1945 I worked actively toward that  
8 end at the risk of my life, resisting all stubborn op-  
9 position of various circles until at last the decision  
10 for terminating the war by acceptance of the Potsdam  
11 Declaration was reached on 14 August 1945. It is the  
12 great sorrow of my life that I was not successful in  
13 preventing war in 1941, but it is a matter of some con-  
14 solation for me that I was able by my efforts to contribut  
15 to lessening the suffering of mankind by ending it in  
16 1945."

17 THE PRESIDENT: We will recess for fifteen  
18 minutes.

19 (Whereupon, at 1443, a recess was  
20 taken until 1500, after which the proceedings  
21 were resumed as follows:)

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TOGO

CROSS

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MARSHAL OF THE COURT: The International  
1 Military Tribunal for the Far East is now resumed.

2 THE PRESIDENT: Major Blakeney.

3 MR. BLAKENEY: The defendant is now available  
4 for cross-examination.

5 THE PRESIDENT: Mr. Logan.

6 MR. LOGAN: If the Tribunal please, I desire  
7 to cross-examine on behalf of the accused KIDO, Koichi.

8 CROSS-EXAMINATION

9 BY MR. LOGAN:

10 Q Mr. TOGO, the prosecution has suggested on  
11 page 31,612 of the record that there was a little  
12 gathering over at the Palace in the early morning of  
13 December 8 to find out how this attack on Pearl Harbor  
14 was going on. Now, tell us who all was at the Palace  
15 about 3 o'clock on the morning of December 8, 1941.

16 A I know nothing about the report that there was  
17 a small gathering at the Palace on the morning of  
18 December 8 concerning Pearl Harbor -- concerning the  
19 attack on Pearl Harbor.

20 Q Oh, I assumed that, Mr. TOGO; I asked you who  
21 was present at that time.

22 A When I went to the Palace it was on account of  
23 the message which had come from the American President  
24 to the Emperor, and --

Q Now, Mr. TOGO, can you just try and con-  
centrate a minute and answer the question I asked.  
Just tell me, who was there at about three o'clock  
that morning?

A When I went to the Palace for that purpose  
I met Lord Keeper of the Privy Seal Marquis KIDO, the  
Grand Chamberlain, and members of the Chamberlain's  
office. These people I met in the waiting room, but  
this was not a gathering such as you mentioned.

Q Now, don't misunderstand me, Mr. TOGO. I am  
not saying the gathering was for that purpose. The  
prosecution has claimed that.

Now, you didn't go there to find out how the  
attack on Pearl Harbor was going on, did you?

A No, that was not my purpose.

Q And Marquis KIDO wasn't there for that purpose  
either, was he?

A I understand that he was not there for that  
purpose.

Q And the Grand Chamberlain and the Emperor were  
not there for that purpose either, were they?

A When I was received in audience by the Emperor  
I was received alone, and we did not have a gathering.

Q And certainly neither you, KIDO, the Grand  
Chamberlain, or the Emperor discussed the question of

1 how the attack on Pearl Harbor was getting along at  
2 that time, did you?

3 A The four people you mentioned did not gather  
4 together. They were not all at the same place at the  
5 same time; and, furthermore, Pearl Harbor was not even  
6 mentioned.

7 Q There were no military men there either, were  
8 there?

9 A I didn't meet a single military man there then.

10 Q Now, Mr. TOGO, as I understand your testimony,  
11 you say that after Mr. Grew left you that morning you  
12 first called Mr. MATSUDAIRA, Tsuneo, Minister of the  
13 Imperial Household, to find out the procedure you should  
14 adopt with respect to the telegram from President Roose-  
15 velt; is that correct?

16 A I didn't call on the Imperial Household Minister,  
17 and my affidavit doesn't say so. I talked with him by  
18 telephone.

19 Q Well, that is what I implied. We are not  
20 quibbling with words. You called him on the telephone.  
21 I know that. But what I want to know is the principal  
22 reason you called him was to find out the procedure;  
23 isn't that so?

24 A Since I remember the words I used when I made  
25 that telephone call, I will repeat them to you here.

TOGO

CROSS

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1        "Ambassador Grew has just called on me and  
2        brought a message from the President of the United  
3        States to the Emperor."

4              THE MONITOR: Correction: "President Roose-  
5              velt," instead of the "United States."

6              A     (Continuing) "Ambassador Grew desires  
7        to present this message personally to the Emperor, but  
8        since it is in the middle of the night I should like to  
9        ask how this matter should be disposed of."

10             That was the contents of my call to Mr.  
11        MATSUDAIRA.

12            Q     That is just what you have in your affidavit,  
13        Mr. TOGO. But the question I asked you was, when you  
14        called him you wanted to know the procedure to be  
15        adopted with respect to this telegram because it was  
16        an important message; isn't that true?

17            A     Since what I have just told you constitutes  
18        the whole of my telephone call, conversation with  
19        Mr. MATSUDAIRA, you may place upon it any interpretation  
20        you please.

21            Q     What interpretation do you put on it, Mr. TOGO?

22            A     Since my call concerned the steps to be taken  
23        regarding Grew's proposed audience, if you want to call  
24        it procedure I suppose you may do so.

25            Q     I suppose you may do so, too?

1           A That is all right.

2           Q That is what I asked you in the first place.

3           Now, did you tell Mr. MATSUDAIRA, Tsuneo the  
4 contents of the telegram?

5           A Since it was a telephone call I didn't tell  
6 him of the contents.

7           Q Did he ask you what the contents were?

8           A Imperial Household Minister MATSUDAIRA did  
9 not ask me any questions regarding the contents.

10          Q And you then called on the telephone Marquis  
11 KIDO, Lord Keeper of the Privy Seal; isn't that true?

12          A Yes, I did so because Mr. MATSUDAIRA had told  
13 me that the matter being political I should talk to  
14 the Lord Keeper about it, and that is why I called up  
15 Marquis KIDO.

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Q Now, you have set forth in your affidavit,  
1 Mr. TOGO -- and I don't want you to repeat it -- the  
2 telephone conversation you had with Marquis KIDO.  
3 What I want to ask you is this: When you spoke to  
4 Marquis KIDO on the telephone, did he ask you what  
5 were the contents of that telegram?  
6

A On the occasion of this telephone conversa-  
7 tion, since the Imperial Household Minister had told  
8 me that the matter was political, I told Marquis KIDO  
9 that Ambassador Grew had brought a message concerning  
10 the problem that had been under discussion since the  
11 morning.  
12

Q Now, Mr. TOGO, will you answer my question?  
13 Did Marquis KIDO ask you what were the contents of that  
14 telegram when you spoke to him on the telephone?  
15

A Since I had already explained the nature of  
17 the telegram, Marquis KIDO did not question me -- did  
18 not ask me any questions over the telephone regarding  
19 the contents of the telegram.  
20

Q And you didn't tell him the contents of the  
21 telegram over the telephone, either, did you?  
22

A I didn't tell him of the contents over the  
23 telephone.  
24

Q And he made the suggestion to you that the  
Emperor would receive you at any time, didn't he?  
25

A Yes.

1 Q He did nothing whatsoever to obstruct an  
2 interview between you and the Emperor that morning,  
3 did he?

4 A I have no recollection that he did so.

5 Q Now, Mr. TOGO, you went to the palace and  
6 you spoke to Marquis KIDO, and then you went and saw  
7 the Emperor.

8 A Yes.

9 Q And you left the palace after your audience  
10 with the Emperor at about 3:15 a.m., isn't that so?

11 A Yes, just around that time.

12 Q Now, did you see Marquis KIDO after you left  
13 the Emperor?

14 A No.

15 Q You know something, Mr. TOGO, about the  
16 duties of Lord Keeper of the Privy Seal, don't you?

17 A The Lord Keeper has the responsibility of  
18 advising the Emperor at all times.

19 Q And it was his duty to answer questions of  
20 the Emperor when he was asked by him, isn't that so?

21 A Yes; I understand by "advising the Emperor  
22 at all times" to mean that if the Emperor should address  
23 any questions to him, naturally he would answer them,  
24 and whenever he felt it necessary he would give the

Emperor advice from his side.

1 Q In response to an inquiry?

2 A It goes without saying that if the Emperor  
3 should ask him a question he would answer it. But even  
4 if no questions were asked, whenever he felt it neces-  
5 sary and if he felt it fit to do so, he would offer  
6 advice from his side to the Emperor. That is what I  
7 understand by the term "advice at all times."

8 Q And that was for the purpose of assisting  
9 the virtues of the Emperor, isn't that true?

10 A Assisting the what of the Emperor?

11 Q Virtues.

12 A In a broad sense, I suppose you can call  
13 it virtues.

14 Q Now, the Emperor was a man of peace, wasn't  
15 he?

16 A Yes, I am convinced of that.

17 Q And if the Lord Keeper of the Privy Seal's  
18 views conflicted with those of the Emperor, the  
19 Emperor would discharge him, wouldn't he?

20 A Since that is a matter that concerns the  
21 Emperor and the Lord Keeper alone, I think it is neither  
22 fitting nor proper that I should give an answer to  
23 that question, and I do not feel qualified to do so.

24 Q But you felt qualified, Mr. TOGO, as a man

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Q But the Emperor and Marquis KIDO did not attend the meeting in the morning. Neither did they attend the meeting after three o'clock; isn't that true?

A That is so.

Q And isn't it a fact, Mr. TOGO, that at the meeting between two and three o'clock, at which Marquis KIDO was present, that he did not say anything at that meeting?

A KIDO did not make any remark.

Q Now, you say in your affidavit that you explained in detail the Japanese-American negotiations to the Senior Statesmen at this morning and afternoon session.

A No, my affidavit does not say so. During the morning session I did give detailed explanations, but in the afternoon session which the Emperor attended I neither explained nor made any remark.

Q Well, in any event, at either the morning or afternoon session you did explain in detail the Japanese-American negotiations; isn't that true?

A As is stated in my affidavit, during the morning session I explained in detail regarding these negotiations.

Q And did you discuss the Hull note of November 26th?

TOGO

CROSS

35,803

A I did explain in detail regarding the Hull note.

Q And did you mention the telegram of November 26, 1941, from Ambassador NOMURA and KURUSU with respect to the recommendation of President Roosevelt cabling the Emperor?

A Since that telegram was not -- was of such a nature that it could not even be taken up, I did not mention it to the Senior Statesmen.

Q Will you explain that to us, Mr. TOGO?

A The telegram from NOMURA and KURUSU was of the following nature: First, that the President and the Emperor exchange telegrams, and then that the Japanese Government guarantee the neutrality of the Netherlands East Indies, Thailand and French Indo-China. This telegram reached us on the 27th.

THE MONITOR: Japanese court reporter.

(Whereupon, the Japanese court reporter read.)

THE INTERPRETER: Correction: Before "This telegram reached us on the 27th," please insert "By these means it was hoped that the situation would be saved."

A (Continuing) This telegram had been sent by the two ambassadors to Tokyo before the Hull note

had been delivered to them. And immediately after receiving the Hull note, the two ambassadors sent a further telegram to Tokyo stating that the success of the negotiations was now impossible and that the next thing to be thought of was the procedure to be taken when free action would -- to carry out free action on Japan's part. This second telegram proves that the two ambassadors felt also that their first advice to Tokyo was useless.

Furthermore, in connection with this telegram, President Roosevelt himself told the two ambassadors that if there was no agreement in fundamental principles, no provisional agreement could be executed.

Furthermore, concerning the fact that the contents of the advice given by the two ambassadors in this first telegram was not capable of being taken up by our side -- were not possible of being taken up by our side -- on the morning of the 28th I met with the Prime Minister and the Navy Minister and discussed this matter with them and we came to the conclusion that the situation could not be saved by such means.

Furthermore, since this telegram requested that Marquis KIDO be consulted on the matter also, I believe it was around 11:30 a.m. of November 28th that before being received in audience by the Emperor I met

1 Marquis KIDO and told him about this telegram together  
2 with the Hull note.

3 Q Mr. TOGO, may I interrupt a minute. That  
4 last part is in your affidavit; but all you have just  
5 recited to me is part of the Japanese-American diplo-  
6 matic negotiations. Now, why couldn't you have told  
7 the Statesmen what you just told me?

8 A I was just about to reach that point, so  
9 please wait a few minutes.

10 Therefore, when I talked to KIDO on this  
11 matter, he said that the solution proposed by the  
12 ambassadors was impossible, and, that if insisted in,  
13 civil war would result.

14 Q That, too, is in your affidavit, Mr. TOGO.

15 THE PRESIDENT: Let him finish, Mr. Logan.

16 MR. LOGAN: Pardon me for interrupting.

17 THE PRESIDENT: Now, you can't interrupt.

18 A (Continuing) Therefore, Marquis KIDO told  
19 me that I should reply to Washington -- to the  
20 ambassadors at Washington that their proposal was  
21 unadoptable. He stressed that point to me and there-  
22 fore on the afternoon of the 28th I sent a telegraphic  
23 reply to the ambassadors stating that I had talked  
24 with KIDO and that he had felt that the proposal was  
25 impossible and that therefore it was improper.

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CROSSE

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1 THE MONITOR: Japanese court reporter.

2 (Whereupon, the Japanese court reporter  
3 rend.)

4 THE INTERPRETER: Correction on the last  
5 part: ..."on the afternoon of the 28th I cabled a  
6 reply to the ambassadors in Washington stating that  
7 I had talked with Marquis KIDO about their proposal,  
8 but that he felt that it was improper.

9 A (Continuing) Such being the circumstances,  
10 the question of the telegram and Marquis KIDO was  
11 already a closed question -- the matter of the telegram  
12 sent by the two ambassadors was already a closed  
13 question.

14 THE MONITOR: Delete the name "KIDO."

15 A (Continuing) And that is why on the morning  
16 of the 27th -- at the gathering on the morning of the  
17 27th -- I did not mention that matter.  
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1           Q    Whether it was a closed matter or an open  
2 matter, the fact is that you didn't tell the Elder  
3 Statesmen what you have just recited to this Tribunal,  
4 did you?

5           A    Naturally, I didn't.

6           Q    Turning to another subject; we will come back  
7 to the conversation with KIDO in a little while, but,  
8 turning to another subject now, you state in your affi-  
9 davit that it was not until July -- I presume you meant  
10 1942 -- that you discovered that the Emperor had ex-  
11 pressed in February to Premier TOJO his desire for the  
12 early restoration of peace. Now, did you know that  
13 Marquis KIDO on February 5, 1942, had made this sugges-  
14 tion to the Emperor and, as a result of it, that he had  
15 conferred -- he and the Emperor had conferred with  
16 Premier TOJO about it?

17          A    Regarding the details of that, I heard about  
18 it for the first time during this trial, but regarding  
19 the fact that the Emperor had told TOJO of his desire  
20 for peace, the Emperor himself told me of this in July.  
21

22          Q    Now, at the bottom of page 41 and the top of  
23 page 42, are you making a complaint there because KIDO  
24 had never spoken about this matter to you, when you say  
25 that "he," meaning TOJO -- "neither he," meaning TOJO,  
"nor the Lord Keeper of the Privy Seal had ever mentioned

it to me"?

A In ordinary circumstances, if the matter concerned fundamental diplomatic -- fundamental foreign policy, I think it is proper that the Emperor should tell the Foreign Minister about it when the Foreign Minister goes to the palace to report to the throne, and also that the Lord Keeper should tell the Foreign Minister of this.

THE MONITOR: Japanese court reporter.

(Whereupon, the Japanese court reporter read.)

THE INTERPRETER: Correction: "In ordinary circumstances, when the matter concerns our fundamental foreign policy, I believe it is fitting and proper that the Imperial will should be conveyed to the Foreign Minister by the Lord Keeper also when the Foreign Minister goes to the palace to report to the throne."

Q So, you are making a complaint that Marquis KIDO didn't tell you about it at that time, is that true?

A Yes, as you say.

Q And, you make that complaint, Mr. TOGO, notwithstanding the fact that in February, 1942, Japan was riding high, wide, and handsome on victory and the word "peace" couldn't even be whispered in Japan?

A Whatever the general feeling or the general

6 Now, Mr. TOGO, Marquis KIDO, under the Japanese constitution and ordinances, was not an adviser to  
7 you or any other cabinet minister, was he? He was an  
8 adviser to the Emperor, isn't that so?

9 A No, of course, he was not a cabinet adviser,  
10 but the relation of the Lord Keeper to the cabinet  
11 ministers is this way: In most cases, when a cabinet  
12 minister desires to convey anything to the Throne, he  
13 tells it to the Lord Keeper. The purpose in so doing  
14 is that, since the Lord Keeper has the duty of advising  
15 the Emperor at all times, it is to enable the Lord  
16 Keeper to better fulfill that purpose.

17 Another reason for so doing is that it was  
18 desired that what a minister reported to the Throne  
19 would not be misrepresented -- would not be taken in a  
20 different meaning and, therefore, for the sake of making  
21 sure, he would tell the Lord Keeper what he already  
22 told the Emperor. That has been the Japanese custom.

23 On the other hand, there were occasions when  
24 the Lord Keeper would convey to the cabinet ministers,  
25 sometimes formally and sometimes informally, what was  
26 the Imperial will.

27 In view of those circumstances, you must consider  
28 the fact that the Lord Keeper stood between the  
29 cabinet ministers and the Emperor, acting more or less

TUGO

CROSS

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1 as a go-between; that, in actual practice, that was one  
2 of the duties.

3 Q Well, he was not an adviser to the cabinet  
4 members in other words, is that true?

5 A The fact that he was not an adviser I have  
6 already told you.

7 THE PRESIDENT: We will adjourn until half  
8 past nine tomorrow morning.

9 (Whereupon, at 1600, an adjourn-  
10 ment was taken until Friday, 19 December  
11 1947, at 0930.)

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